

87, April 13

STATE OF MINNESOTA

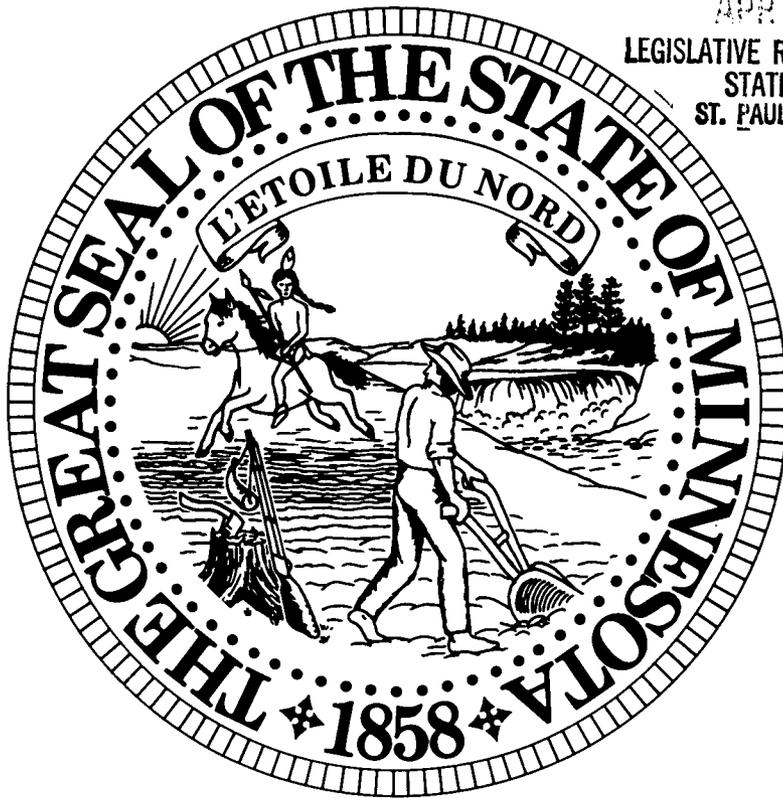
# STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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# STATE REGISTER

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

### Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
41	Monday 30 March	Monday 6 April	Monday 13 April
42	Monday 6 April	Monday 13 April	Monday 20 April
43	Monday 13 April	Monday 20 April	Monday 27 April
44	Monday 20 April	Monday 27 April	Monday 4 May

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Contact: Senate Public Information Office  
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**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

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Contact: House Information Office  
Room 175 State Office Building, St. Paul, MN 55155  
(612) 296-2146

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**How to Follow State Agency Rulemaking Action in the State Register**

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

**The PROPOSED RULES section contains:**

- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

**The ADOPTED RULES section contains:**

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

**The OFFICIAL NOTICES section includes (but is not limited to):**

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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# MINNESOTA RULES

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# PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Human Services

### Proposed Permanent Rules Relating to Determination of Payment Rates for Intermediate Care Facilities for Persons With Mental Retardation and Related Conditions

#### Notice of Intent To Adopt A Rule Without A Public Hearing

Notice is hereby given that the Department of Human Services intends to adopt amendments to the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.501, subdivisions 1 to 3.

All persons have 30 days or until 4:30 p.m. on Wednesday, May 13, 1987 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing or the agency withdraws the rule. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Beverly Gausman  
Department of Human Services  
Appeals and Regulations Division  
Third Floor, Space Center  
444 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 297-1486

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The proposed amendments result in the following changes in the rule parts:

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# PROPOSED RULES

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## Part 9553.0050

1. the all urban consumer price index (CPI/U) used in the calculation of payments rates has been changed from the January index to the December index; and

2. the historical operating cost limit for administrative operating costs has been eliminated for rate years beginning on or after October 1, 1987, except for the purpose of calculating the efficiency incentive.

## Part 9553.0060

1. the amount of the capital debt reduction allowance which must be applied to reduce capital debt has been decreased for facilities with 40 percent equity or less; and

2. the total capital debt reduction allowance has been increased for facilities with over 40 percent equity.

## Part 9553.0061 (new part)

A new part has been added to provide for adjustments to the special operating cost payment rate for actions taken to comply with the 1985 Life Safety Code. This provision applies to facilities with sixteen or fewer beds.

## Part 9553.0075

Technical changes to update references to other parts of the rule have been made and the reference to the CPI/U has been changed from January to December.

The Department is proposing these changes to:

1. correct the index cited;
2. eliminate a cost limitation which is no longer seen as necessary;
3. increase provider flexibility with regard to the capital debt reduction allowance;
4. increase the amount of capital debt reduction allowance for facilities with over 40 percent equity; and
5. provide an accelerated means of reimbursing facilities for the cost of complying with the 1985 Life Safety Code.

A free copy of the rule amendments is available upon request from Beverly Gausman at the address given above. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Beverly Gausman at the address given above.

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Beverly Gausman, Department of Human Services.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Beverly Gausman.

Dated: 31 March 1987

Sandra S. Gardebring  
Commissioner of Human Services

## Rules as Proposed

### 9553.0050 DETERMINATION OF TOTAL OPERATING COST PAYMENT RATE.

Subpart 1. **Establishment of allowable historical operating cost per diem.** The commissioner shall annually review and adjust the operating costs incurred by the facility during the reporting year preceding the rate year to determine the facility's allowable historical operating costs. The review and adjustment must comply with parts 9553.0010 to 9553.0080. Each facility's allowable historical operating cost per diem shall be established according to items A to F

A. The total allowable historical operating cost per diem shall be limited according to subitems (1) to ~~(3)~~ (5).

(1) For the rate years beginning on or after October 1, 1986, the administrative allowable historical operating costs shall be limited as in units (a) to (g):

(a) to (e) [Unchanged.]

(f) For rate years beginning on or after October 1, 1988, the commissioner shall increase the administrative cost per licensed bed limit in unit (e) by multiplying the limit established for the rate year beginning October 1, 1987, by the percentage change in the all urban consumer price index (CPI-U) for Minneapolis-Saint Paul as published by the Bureau of Labor Statistics, United States Department of Labor, between the two most recent ~~Januarys prior to~~ Decembers before the beginning of the rate year. The year 1967 is the standard reference base period. The maximum administrative allowable historical operating cost shall be the lesser of the facility's administrative allowable historical operating cost or the amount determined in this unit multiplied by the facility's licensed beds.

(g) [Unchanged.]

(2) For the rate years beginning on or after October 1, 1986, the allowable historical operating costs in ~~each of the~~ each of the maintenance and administrative operating cost ~~categories~~ category must not exceed the ~~respective~~ respective operating cost payment rate for ~~each of those~~ each of those the maintenance operating cost ~~categories~~ category in effect during the reporting year times the prorated resident days which correspond to those operating cost payment rates paid during the reporting year.

(3) For the rate year beginning October 1, 1986, the allowable historical operating costs in the administrative operating cost category must not exceed the operating cost payment rate for the administrative operating cost category in effect during the reporting year times the prorated resident days that correspond to those operating cost payment rates paid during the reporting year. Except for the purpose of calculating the efficiency incentive under subpart 2, item E, this limit on administrative operating costs shall not be in effect for rate years beginning on or after October 1, 1987.

(4) For the rate year beginning October 1, 1986, and October 1, 1987, the facility's total operating cost payment rate in effect during the reporting year must be adjusted for reclassifications in accordance with part 9553.0040 and be separated into program, maintenance, special, and administrative operating cost payment rates according to units (a) to (c).

(a) to (c) [Unchanged.]

~~(3)~~ (5) The limits in ~~subitem~~ subitems (2), (3), and (4) shall not apply to a facility with a payment rate established according to part 9553.0075, subparts 1 to 3.

B. to F. [Unchanged.]

Subp. 2. **Establishment of total operating cost payment rate.** The total operating cost payment rate shall be established according to items A to F

A. The allowable historical operating cost per diems determined according to subpart 1, items B to D, shall be adjusted by the annualized percentage change in the all urban consumer price index (CPI-U) for Minneapolis-Saint Paul as published by the Bureau of Labor Statistics, United States Department of Labor, between the two most recent ~~Januarys prior to~~ Decembers before the beginning of the rate year. The year 1967 is the standard reference base period. For the rate year beginning October 1, 1986, the allowable certified audit cost per diem in subpart 1, item E, shall not be adjusted by the CPI-U.

B. to D. [Unchanged.]

E. If the reporting year's total operating cost excluding special operating costs, is less than the sum of the limits computed in subpart 1, item A, ~~subitem~~ subitems (2), (3), and (4), the facility shall receive the difference divided by the greater of resident days or 85 percent of capacity days as an efficiency incentive, up to a maximum of \$2 per resident per day. A facility whose program allowable historical operating cost incurred during the reporting year is below the program historical operating cost limit established in subpart 1, item A, ~~subitem~~ subitems (2), (3), and (4) is not eligible to receive the efficiency incentive. The efficiency incentive must not be adjusted as a result of a field audit.

F. [Unchanged.]

Subp. 3. [Unchanged.]

#### **9553.0060 DETERMINATION OF PROPERTY RELATED PAYMENT RATE.**

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Capital debt reduction allowance.** A provider whose facility is not leased or a facility which is leased from a related organization shall receive a capital debt reduction allowance. The amount of the capital debt reduction allowance and the reduction of capital debt required must be determined according to items A to G:

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# PROPOSED RULES

A. The total amount of the capital debt reduction allowance and the portion of that amount which must be applied to reduce the provider's capital debt shall be determined according to the following table:

Percentage Of Equity In Capital Assets Used By The Facility	Total Capital Debt Reduction Allowance Per Resident Day (In Dollars)	Amount Which Must Be Applied To Reduce Capital Debt (In Dollars)
Less than 20.01	.50	-.50
20.01 to 40.00	.50	-.25
40.01 to 60.00	.70	0
60.01 to 80.00	.90	0
80.01 to 100.00	1.10	0

B. to G. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

## 9553.0061 LIFE SAFETY CODE ADJUSTMENT.

Subpart 1. Determination of adjustment. Adjustments to the special operating cost payment rate for actions taken to comply with the Code of Federal Regulations, title 42, section 442.508, as amended through October 1, 1986, shall be determined under subparts 2 to 9.

Subp. 2. Conditions. The commissioner shall allow an adjustment to a facility's special operating cost payment rate when the state fire marshal has issued a statement of deficiencies to the facility under the Code of Federal Regulations, title 42, section 442.508, as amended through October 1, 1986, if the criteria in items A to D are met.

A. The physical plant for which the statement of deficiencies was issued has 16 or fewer licensed beds.

B. The commissioner has determined that the most programmatically sound and cost effective means of correcting the deficiencies is to modify the physical plant or add depreciable equipment.

C. The cost of the physical plant modification or additional depreciable equipment cannot be covered by reallocating facility staff and costs including funds accumulated in the facility's funded depreciation account and other savings or investment accounts of the provider.

D. The provider has complied with the requirements in subparts 3 and 4.

Subp. 3. Request for life safety code adjustment. The provider shall submit to the commissioner a written request for a life safety code adjustment to the special operating cost payment rate. The request must include:

A. a copy of the state fire marshal's statement of deficiencies;

B. a copy of the facility's plan of correction approved by the state fire marshal; and

C. a description of the type of physical plant modifications or additional depreciable equipment required to meet the approved plan of correction including the estimated cost based on bids developed in accordance with subpart 4.

Subp. 4. Bid requirements. Bids must be obtained from nonrelated organizations. Only the costs of items required to correct the deficiencies may be included in a bid. Each bid must include:

A. a detailed description of the physical plant modifications needed to correct the deficiencies;

B. the cost of any depreciable equipment needed to correct the deficiencies;

C. the cost of materials and labor; and

D. the name, address, and phone number of the bidder.

If the commissioner determines that the bid submitted by the provider is excessive or includes items not required to correct the deficiencies, the commissioner may require a second bid and may recommend another organization that must supply the bid. This subpart shall not apply to a facility that has implemented a plan of correction before the effective date of this part.

Subp. 5. Evaluation of documents submitted. The commissioner shall evaluate the documents submitted under subpart 3. If the commissioner determines that the plan of correction is not programmatically sound or cost effective, the commissioner may require the facility to submit an alternative plan of correction to the state fire marshal for approval. If the state fire marshal approves the alternative plan of correction, the commissioner may require the facility to resubmit bids under subpart 4.

Subp. 6. Computation of life safety code adjustment. If the request meets the criteria in subparts 2 to 5, the commissioner shall compute the life safety code adjustment to the special operating cost payment rate under items A to E.

A. Upon completion of the physical plant modifications and purchase of the additional depreciable equipment, the facility shall submit copies of invoices showing the total cost of the physical plant modifications and additional depreciable equipment to the commissioner.

B. The commissioner shall allow the lesser of the amount in item A or the final bid approved by the commissioner. The amount allowed shall be reduced by 75 percent of the funded depreciation that may be withdrawn for purchase or replacement of capital assets or payment of capitalized repairs as determined in part 9553.0060, subpart 1, item E, subitem (4), and other savings or investment accounts of the provider or the provider group.

C. If a facility is financed by the Minnesota Housing Finance Agency, the facility must use amounts deposited in the development cost escrow account required by the Minnesota Housing Finance Agency to purchase physical plant modifications or additional depreciable equipment allowed under this part. The amount withdrawn from the development cost escrow account must be reimbursed to the facility as provided in subpart 7. The facility must use the reimbursement to replace the amount withdrawn from the development cost escrow account as required by the Minnesota Housing Finance Agency.

D. If the amount determined in item B is less than \$500 per licensed bed, the amount must be divided by the resident days from the cost report that was used to set the facility's total payment rate in effect on the date the statement of deficiencies was issued.

E. If the amount determined in item B is equal to or greater than \$500 per licensed bed, the amount in excess of \$500 per licensed bed must be reimbursed during the rate year following the rate year in which the statement of deficiencies was issued. The amount in excess of \$500 per licensed bed must be divided by the resident days from the cost report that was used to set the facility's total payment rate for the rate year following the rate year in which the statement of deficiencies was issued.

Subp. 7. Adjustment of special operating cost payment rate. If the amount in subpart 6, item B or C, is greater than zero, the commissioner shall adjust the facility's special operating cost payment rate under items A and B.

A. The per diem amount in subpart 6, item D, must be added to the facility's special operating cost payment rate for the rate year identified in subpart 6, item D, and will be effective on the first day of that rate year.

B. The per diem amount in subpart 6, item E, must be added to the facility's special operating cost payment rate for the rate year identified in subpart 6, item E, and shall be effective on the first day of that rate year.

Subp. 8. Reimbursement limits. If a life safety code adjustment to the special operating cost payment rate is allowed under this part, the cost of the physical plant modifications and additional depreciable equipment allowed in subpart 6, item B, must not be claimed for reimbursement under other provisions of parts 9553.0010 to 9553.0080. The cost of the physical plant modifications and additional depreciable equipment not allowed under subpart 6, item B, shall be capitalized and depreciated in accordance with part 9553.0060, subpart 1.

Subp. 9. Changes in one-time adjustment. If a facility has been given a one-time adjustment under part 9553.0050, subpart 3, and the commissioner determines under subpart 2, item A, that the life safety code deficiency should be corrected under this part, the facility's one-time adjustment or the portion of that one-time adjustment that related to the life safety code deficiency shall be subtracted from the facility's total payment rate on the date the life safety code adjustment under this part is effective. If more than 50 percent of the one-time adjustment is subtracted from the facility's total payment rate under this subpart, the facility may apply for another one-time adjustment within the three-year period established in part 9553.0050, subpart 3, item G.

**9553.0075 RATE SETTING PROCEDURES FOR NEWLY CONSTRUCTED OR NEWLY ESTABLISHED FACILITIES OR APPROVED CLASS A TO CLASS B CONVERSIONS.**

**Subpart 1. Interim payment rate.** A provider may request an interim payment rate for a newly constructed or newly established facility or for a facility converting more than 50 percent of its licensed beds from Class A beds to Class B beds provided that the conversion is approved by the commissioner. To receive an interim payment rate, the provider must submit a projected cost report in compliance with parts 9553.0010 to 9553.0080 to the extent applicable, for the year in which the provider plans to begin operation or plans to convert beds. Parts 9553.0050, subpart 1, item A, ~~subitem~~ subitems (2), (3), and (4); subpart 2, item E; and subpart 3; and part 9553.0060, subpart 6 shall not apply to interim payment rates. The interim property related payment rate must be determined using projected resident days but not less than 80 percent of licensed capacity days. The effective date of the interim payment

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## PROPOSED RULES

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rate for a newly constructed or newly established facility must be the later of the first day a medical assistance recipient resides in the newly constructed or established bed or the date of medical assistance program certification. The effective date of the interim payment rate for a facility converting more than 50 percent of its licensed beds from Class A beds to Class B beds must be the later of the date on which all the converted beds are occupied by residents requiring a Class B bed as determined by the commissioner or the date on which the beds are licensed as Class B beds by the Minnesota Department of Health. Prior to the effective date of the interim payment rate, the provider may submit a request to update the interim rate. After the effective date of the interim payment rate, no adjustments shall be made in the interim payment rate until settle-up.

**Subp. 2. Interim payment rate settle-up.** The interim payment rate must not be in effect more than 17 months. When the interim payment rate begins between August 1 and December 31, the facility shall file settle-up cost reports for the period from the beginning of the interim payment rate through December 31 of the following year. When the interim payment rate begins between January 1 and July 31, the facility shall file settle-up cost reports for the period from the beginning of the interim payment rate to the first December 31 following the beginning of the interim payment rate.

A. [Unchanged.]

B. An interim payment rate established on or after January 1, 1986, is subject to retroactive upward or downward adjustment based on the settle-up cost report and in accordance with parts 9553.0010 to 9553.0080 except that:

(1) part 9553.0050, subpart 1, item A, ~~subitem~~ subitems (2), (3), and (4); subpart 2, item E; and subpart 3; and part 9553.0060, subpart 6 do not apply;

(2) to (5) [Unchanged.]

**Subp. 3. Total payment rate for nine-month period following settle-up period.** For the nine-month period following the settle-up reporting period, the total payment rate must be determined according to items A to C.

A. The allowable historical operating cost per diems must be determined in accordance with parts 9553.0010 to 9553.0080 except that:

(1) part 9553.0050, subpart 1, item A, ~~subitem~~ subitems (2), (3), and (4); subpart 2, item E; and subpart 3; and part 9553.0060, subpart 6 do not apply;

(2) [Unchanged.]

(3) the allowable historical operating cost per diems must be adjusted by multiplying those per diems by 9/12 of the percentage change in the all urban consumer price index (CPI/U) of Minneapolis/St. Paul as published by the Bureau of Labor Statistics between the two most recent ~~Januaries~~ Decembers ~~before~~ the beginning of the rate year, new series index (1967 = 100).

B. and C. [Unchanged.]

Subp. 4. [Unchanged.]

## Department of Human Services

### Proposed Permanent Rules Relating to Licensure of Training and Habilitation Services for Adults with Mental Retardation or Related Conditions

#### Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above-entitled matter will be held in Veterans Service Building, Room D, 20 West 12th Street, St. Paul, MN 55155 on May 15, 1987 commencing at 9:00 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Richard C. Luis, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415; telephone (612) 341-7610, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge, may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period.

During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, section 14.50. The rule hearing is governed by Minnesota Statutes, section 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, parts 9525.1500 to 9525.1690 (Proposed) establish the standards that an individual, organization, or association must meet to be licensed under Minnesota Statutes, sections 245.781 to 245.812 and 252.28, subdivision 2, as a provider of training and habilitation services for adults with mental retardation and related conditions.

Parts 9525.1500 to 9525.1690 apply to any individual, organization, or association that regularly provides training and habilitation services to one or more adults with mental retardation or a related condition. The training and habilitation services governed by parts 9525.1500 to 9525.1690 include (1) services commonly referred to as developmental achievement services when those services are provided to adults; (2) day programs offered or administered by regional centers; and (3) day habilitation services as defined in Minnesota Rules, parts 9525.1200 to 9525.1330.

Minnesota Rules, parts 9525.1500 to 9525.1690 (Proposed) do not apply to:

A. an intermediate care facility for persons with mental retardation and related conditions that is not a regional center and that provides training and habilitation services to facility residents as part of the facility's residential program licensed under Minnesota Rules, parts 9525.0210 to 9525.0430; or

B. providers licensed under Minnesota Rules, parts 9545.0510 to 9545.0670, that provide services only to persons under 18 years of age.

The rule includes sections on: definition of terms; purpose and applicability; the licensing process, including license terms and variance requests; negative licensing actions including denials, suspensions or nonrenewals; administrative requirements, policies and records; policies and procedures governing admission, exclusion, suspension and discharge of persons from a facility; services that a provider is required to provide; requirements for documenting outcomes of services; requirements for minimum staffing levels, staff qualifications and staff training; individual habilitation plan requirements for persons receiving services; behavior management policy on care of persons receiving services; requirements for buildings owned or leased by a provider; and requirements for health and safety-related procedures including food services, equipment and transportation.

The agency's authority to adopt the proposed rules is contained in Minnesota Statutes, sections 245.781 to 245.812 and Minnesota Statutes, section 252.28, subdivision 2 (1986).

The adoption of this rule will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to the federal and state government and to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to Sara Koppe, Mental Retardation Division, Department of Human Services, 4th Floor Centennial Office Building, St. Paul, MN 55155, 612/297-1241.

A copy of the rule may also be viewed at any of the 87 county welfare agencies in the State of Minnesota.

Additional copies will be available at the hearing. If you have any questions on the content of the rule, contact Lisa Rotegard, Mental Retardation Division, Department of Human Services at 612/297-3829.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies

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# PROPOSED RULES

of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Minnesota Statutes, chapter 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.01, subdivision 11, as any individual:

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone 612/296-5148.

Sandra Gardebring, Commissioner

## Fiscal Impact Statement of Parts 9525.1500 to 9525.1690, Governing Licensure of Training and Habilitation Services for Persons with Mental Retardation or Related Conditions

The purpose of this statement is to identify the additional costs of implementing parts 9525.1500 to 9525.1690.

There are three provisions of parts 9525.1500 to 9525.1690 which will have a fiscal impact on counties, the state and federal government agencies. They are the provisions governing staff qualifications, staff training requirements and staff to client ratios. The provisions governing both staff qualifications and staff to client ratios have a two years phase-in allowed as part of the rules. In addition, the licensure process will require the Department's Division of Licensing to increase its current minimum staff effort to license existing agencies. The cost associated with increasing licensure efforts is also included. The table below summarizes the fiscal impact of all additional costs. Please see the attached tables for more explicit information.

TABLE I  
SUMMARY OF FISCAL IMPACT OF MINNESOTA RULES\*  
PARTS 9525.1500 TO 9525.1590

Government Share	Fiscal Year		
	1987	1988	1989
Federal	0	70,762	141,524 <sup>a</sup>
State	77,200	133,276	189,352 <sup>b</sup>
County	0	78,568	157,135 <sup>c</sup>
Total	77,200	282,606	488,011 <sup>d</sup>

\*All costs (with exception of 77,200) are based on FY 1987 DAC salaries and agency specific 1985 DAC Survey Data. No inflation factor has been projected for Fiscal Year 1988 and 1989 total costs. The high estimate from Table 2 has been used.

<sup>a</sup>Represents 53% of total projected MA costs.

<sup>b</sup>Represents 42% of total projected MA costs plus the Division of Licensing's additional costs. Licensing costs may be eligible for FFP if incorporated into the state's MA administrative cost allocation plan.

<sup>c</sup>Represents 100% of total projected CSSA costs plus 5% of projected MA costs.

<sup>d</sup>Represents totals from Tables 2 and 3.

**TABLE 2  
ADDITIONAL COST BY FUNDING SOURCE**

Additional Cost	Funding Source		TOTAL
	MA 65% of Total Cost	CSSA 35% of Total Cost	
Staff to Client Ratio <sup>a</sup> Range x	80,781 to 170,173 125,477	43,498 to 91,631 67,565	124,279 to 261,804 193,042
Staff Training <sup>b</sup> Range x	10,899 to 15,311 13,104	5,868 to 8,244 7,057	16,767 to 23,555 20,161
Staff Qualifications <sup>c</sup> Range x	15,618 to 81,544 48,581	8,410 to 43,908 26,159	24,028 to 125,452 74,740
<b>TOTAL</b> Range x	107,298 to 267,027 187,162	57,776 to 143,784 100,780	165,074 to 410,811 287,942

<sup>a</sup>Equal to the average regional DAC salary plus benefits multiplied by the summed regional deficit of direct service hours for each agency. The low estimate is a result of counting the hours spent in direct service by all consultants, support staff and administrators during calendar year 1985 as available to fulfill required staff to client ratios. The high estimate is a result of counting only hours spent in direct service by teachers/trainers and teacher/trainer aides as available to fulfill the requirements.

<sup>b</sup>Equal to the average regional DAC salary multiplied by the summed regional deficit of staff training hours for each agency. The low estimate bases the deficit on direct service hours currently available. The high estimate bases the deficit on direct service hours required to meet minimal licensing standards.

<sup>c</sup>The high estimate equals the average regional DAC salary plus benefits of persons with a BA degree multiplied by the summed regional deficit of required "hours of persons with a BA degree" for each agency. The low estimate equals the difference between the average regional salary of a person with a BA degree and a person with less than a BA degree multiplied by the summed regional deficit of required "hours of persons with a BA degree" for each agency. The high estimate equals the average regional salary of a person with a BA degree multiplied by the summed regional deficit of required "hours of persons with a BA degree" for each agency.

**TABLE 3  
ADDITIONAL COSTS TO LICENSING DIVISION\***

Source of Expense	Dollar Amount
Salaries	\$ 54,200
Benefits	10,800
Travel	4,892
Food	2,400
Lodging	
Phone, Supplies	3,500
Clerical Support	1,500
<b>TOTAL</b>	<b>\$ 77,292</b>

\*Based on the need for 1.8 additional FTE's and 151 licensed DAC sites.

**METHODOLOGY**

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## PROPOSED RULES

Information for this fiscal note was collected from 97 training and habilitation agencies (3 agencies did not report) providing services to adults with mental retardation or a related condition. Data collection occurred via the DAC Survey, a method by which the Division annually collects financial and administrative data from providers in accordance with Minnesota Statutes, section 256B.501, subdivision 9. The Administrative questionnaire was used to determine hours of direct service from all sources available to the agency, qualifications of all staff, characteristics of clients, hours of training afforded on the average and other program information. Tables of all agency data items needed to calculate the information used to prepare this fiscal note were analyzed by agency, summed regionally and then aggregated on the state level. The regional salary schedules used to calculate costs were those published by the Developmental Disabilities Council in its Policy Analysis Series No. 7—The Program Status of Minnesota's DAC's 1980-1982. The original schedules were inflated by the same inflation factor granted in maximum rate increases to DACs for calendar years 1984, 1985, 1986, and 1987 (5%, 5.2%, 3.8% and 3.5% respectively).

Survey items collected from each agency were used to calculate the number of hours equal to a full-time equivalent (FTE) direct service staff person (service days multiplied by full day service hours). This number was used in conjunction with other survey items (see attached) and standard formulas to determine differences between current availability of qualified staff, direct service hours and staff training and required availability of each of the above in accordance with minimum standards. Calculations to determine "needed" direct service staff based on characteristics of clients were rounded up to the closest .5 FTE before determining the actual difference between staff needed and staff available. Excesses and deficits of direct service staff, staff training and qualified staff for each agency were summed regionally. When deficits occurred they were expressed in hours and multiplied by a standard regional wage. This amount was summed across regions in each deficit area analyzed. Fifteen percent of the statewide total dollar deficit in each area of analysis was added to the total dollar deficit to account for payroll expenses and benefits.

Because the high estimate of a high and low estimate was used to project the fiscal impact, additional administrative costs were not included. It is expected that such costs are subsumed in the high cost estimate projected.

It is also expected that the fiscal impact of these rules will not be felt for approximately 18 months due to the phase-in features of the rule and the need for a licensing visit to determine any deficit. The Department proposes to amend the variance section of the rules governing Medical Assistance (MA) reimbursement (parts 9525.1200 to 9525.1330) to accommodate all licensure compliance issues which will occur in the areas of this analysis. According to this analysis, agencies vary widely with respect to compliance with minimum standards. Most agencies, however, do comply. This measure would be taken until such a time as a new reimbursement structure is implemented.

### Rules as Proposed (all new material)

#### 9525.1500 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9525.1500 to 9525.1690 have the meanings given to them in this part.

Subp. 2. **Assessment.** "Assessment" means the process of identifying and describing under part 9525.1630 a person's skills and behaviors and the environmental, physical, medical, and health factors that determine the services needed to increase the person's skills and improve behaviors.

Subp. 3. **Adult with mental retardation or a related condition.** "Adult with mental retardation or a related condition" means a person 18 years of age or older who has the characteristics described in subpart 27.

Subp. 4. **Applicant.** "Applicant" means an individual or the authorized representative of a partnership, corporation, or governmental unit seeking a license to provide training and habilitation services under parts 9525.1500 to 9525.1690.

Subp. 5. **Aversive or deprivation procedure.** "Aversive or deprivation procedure" means the planned application of an unpleasant stimulus or consequence or the planned delay in the delivery of goods, services, or activities to which a person is otherwise entitled:

A. contingent on the occurrence of a behavior identified for reduction or elimination in a person's individual habilitation plan;  
or

B. in an emergency situation as defined in rules adopted by the commissioner to govern use of aversive and deprivation procedures in licensed facilities serving persons with mental retardation and related conditions.

Subp. 6. **Caregiver.** "Caregiver" means the individual who cares for and supervises a person receiving services at the place where the person lives.

Subp. 7. **Case manager.** "Case manager" means the individual designated by the county board under part 9525.0035 to provide case management services. The case manager must meet the requirements in part 9525.0155.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Human Services or the commissioner's designated representative.

Subp. 9. **County board.** "County board" means the county board of commissioners for the county of financial responsibility as specified in Minnesota Statutes, section 256B.02, subdivision 3.

Subp. 10. **County of financial responsibility.** "County of financial responsibility" has the meaning given it in Minnesota Statutes, sections 256B.02, subdivision 3, and 256E.08, subdivision 7.

Subp. 11. **Department.** "Department" means the Minnesota Department of Human Services.

Subp. 12. **Direct service staff.** "Direct service staff" means employees of a training and habilitation service provider who train or directly supervise persons receiving services and who participate in the development or implementation of a person's individual habilitation plan. Professional support staff as defined in subpart 28 are considered to be direct service staff when they are working directly with persons receiving services and are involved in daily activities with those persons.

Subp. 13. **Direct supervision.** "Direct supervision" occurs when the staff member or volunteer who supervises a person receiving services is with that person at a service site and is providing training or assistance to the person individually or in a group.

Subp. 14. **Generic services.** "Generic services" means services offered or available to the general public that are common to all people and not restricted to a special category of people.

Subp. 15. **Goal.** "Goal" means the desired behavioral outcome of an activity that can be observed and reliably measured by two or more independent observers.

Subp. 16. **Governing body.** "Governing body" means the individual or group that establishes policies to direct the provider's provision of services.

Subp. 17. **Health consultant.** "Health consultant" means a licensed physician or a registered nurse.

Subp. 18. **Host county.** "Host county" means the county in which the services described in a person's individual service plan are provided.

Subp. 19. **Immediate danger.** "Immediate danger" results from severely maladaptive behavior that can be quantified according to intensity, rate, or duration and that has one or more of the following characteristics:

A. the behavior is endangering a person's or another individual's life, sensory abilities, limb mobility, brain functioning, or other major physical functioning or threatening a person's or other individual's physical appearance or sexual integrity;

B. the behavior seems likely to cause severe physical injury requiring medical treatment, or has caused such injury within 60 days immediately before the date of the present occurrence; or

C. the behavior seems likely to cause or has caused, within 60 days immediately before the date of the present occurrence, property damage in excess of \$300 as measured by the estimated cost of repair or replacement, whichever is less.

Subp. 20. **Individual habilitation plan.** "Individual habilitation plan" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. 21. **Individual service plan.** "Individual service plan" means the written plan required by and developed under parts 9525.0015 to 9525.0165.

Subp. 22. **Interdisciplinary team.** "Interdisciplinary team" means a team composed of the case manager, the person with mental retardation or a related condition, the person's legal representative, the person's advocate as defined in part 9525.0015, subpart 3, if any, and representatives of providers of service under the individual service plan.

Subp. 23. **Intermediate care facility for persons with mental retardation and related conditions or ICF/MR.** "Intermediate care facility for persons with mental retardation and related conditions" or "ICF/MR" means a program licensed under Minnesota Statutes, sections 245.781 to 245.812 and 252.28, subdivision 2, to provide services to persons with mental retardation and related conditions and a physical plant licensed as a supervised living facility under Minnesota Statutes, chapter 144, which together are certified by the Minnesota Department of Health as an intermediate care facility for persons with mental retardation and related conditions.

Subp. 24. **Legal representative.** "Legal representative" means the parent or parents or a person who has or who might have mental retardation or a related condition when that person is under 18 years of age, or a court appointed guardian or conservator who is authorized by the court to make decisions about services for a person who has or who might have mental retardation or a related condition regardless of that person's age.

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## PROPOSED RULES

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Subp. 25. **Objective.** "Objective" means a short-term expectation and its accompanying measurable behavioral criteria as specified in the individual habilitation plan. Objectives are set to facilitate achieving the annual goals in a person's individual service plan.

Subp. 26. **Outcome.** "Outcome" means the measure of change or the degree of attainment of specified goals and objectives that is achieved as a result of provision of service.

Subp. 27. **Person with mental retardation or a related condition or person.** "Person with mental retardation or a related condition" or "person" means:

A. a person who has been diagnosed under part 9525.0045 as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday; or

B. a person who has a related condition. A related condition is a severe chronic disability that:

(1) is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness that is found to be closely related to mental retardation because the condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with mental retardation;

(2) is likely to continue indefinitely;

(3) results in substantial functional limitations in three or more of the following areas of major life activity: self-care; understanding and use of language; learning; mobility; self-direction; or capacity for independent living; and

(4) has been determined to be a related condition in accordance with rules adopted by the commissioner.

Subp. 28. **Professional support staff.** "Professional support staff" means licensed professional staff such as rehabilitation counselors, physical therapists, occupational therapists, registered nurses, speech therapists, and consulting psychologists, who assist the direct service staff by providing specific services to the same persons who are served by the direct service staff.

Subp. 29. **Provider.** "Provider" means a corporation, governmental unit, partnership, individual, or individuals licensed by the commissioner under parts 9525.1500 to 9525.1690 to provide training and habilitation services to adults with mental retardation and related conditions.

Subp. 30. **Provider implementation plan.** "Provider implementation plan" means a detailed internal plan developed by the provider and used within the service site to direct the daily activities of staff in carrying out the objectives established within the individual habilitation plan developed under parts 9525.0015 to 9525.0165 for a person receiving services.

Subp. 31. **Regional center.** "Regional center" means one of the eight state-operated facilities serving persons with mental retardation and related conditions that are under the direct administrative authority of the commissioner. The following facilities are regional centers: Anoka-Metro Regional Treatment Center; Brainerd Regional Human Services Center; Cambridge Regional Human Services Center; Faribault Regional Center; Fergus Falls Regional Treatment Center; Moose Lake Regional Treatment Center; St. Peter Regional Treatment Center; and Willmar Regional Treatment Center.

Subp. 32. **Service.** "Service" means planned activities designed to achieve the outcomes specified in the individual service plan of a person receiving services.

Subp. 33. **Service site.** "Service site" means the physical location where training and habilitation services are provided. Service sites include commercial buildings, community locations or facilities, and buildings owned or leased by the provider.

Subp. 34. **Supported employment.** "Supported employment" means employment of a person with a disability or disabilities so severe that the person needs ongoing training and support to get and keep a job in which:

A. the person engages in paid work at a work site where individuals without disabilities who do not require public subsidies are also employed;

B. public funds are necessary to provide ongoing training and support services throughout the period of employment; and

C. the person has the opportunity for social interaction with individuals who do not have disabilities and who are not paid caregivers.

Subp. 35. **Suspension.** "Suspension" means a temporary discontinuance of service to a person that includes temporary removal of the person from the service site.

Subp. 36. **Training and habilitation services.** "Training and habilitation services" means services that include training, supervision, assistance, and other support activities designed and implemented in accordance with a person's individual habilitation plan to help that person attain and maintain the highest possible level of independence, productivity, and integration into the community where the person lives and works. The term as used throughout parts 9525.1500 to 9525.1690 refers specifically to training and habilitation services with the characteristics in items A to D.

A. A need for the services offered by the provider has been determined under part 9525.0145.

B. The services are provided in accordance with a host county contract under part 9550.0040.

C. The services are regularly provided to one or more adults with mental retardation or a related condition for periods of less than 24 hours a day in a place other than the person's own home or residence.

D. The services offered by the provider include training, supervision, assistance, and supported employment or other community-integrated activities related to a person's employment or work, self-care, communication skills, socialization, community orientation, transportation needs, emotional development, development of adaptive behavior, cognitive development, and physical mobility.

Subp. 37. **Variance.** "Variance" means written permission given by the commissioner to an applicant or provider that allows the applicant or provider to depart from specified provisions in parts 9525.1500 to 9525.1690. Variances are time limited and may be granted by the commissioner under Minnesota Statutes, section 14.05. The commissioner's decision to grant a variance or to deny a variance is final.

#### **9525.1510 PURPOSE AND APPLICABILITY.**

Subpart 1. **Purpose.** Parts 9525.1500 to 9525.1690 establish the standards that an individual, organization, or association must meet to be licensed under Minnesota Statutes, sections 245.781 to 245.812 and 252.28, subdivision 2, as a provider of training and habilitation services for adults with mental retardation and related conditions. Parts 9525.1500 to 9525.1690 supersede parts 9525.0750 to 9525.0830 in governing the provision of training and habilitation services to adults.

Subp. 2. **Applicability.** Parts 9525.1500 to 9525.1690 apply to any individual, organization, or association that regularly provides training and habilitation services to one or more adults with mental retardation or a related condition. The training and habilitation services governed by parts 9525.1500 to 9525.1690 include services commonly referred to as developmental achievement services when those services are provided to adults, day programs offered or administered by regional centers, and day habilitation services as defined in parts 9525.1800 to 9525.1930 governing funding and administration of home and community-based services.

Subp. 3. **Exclusions.** Parts 9525.1500 to 9525.1690 do not apply to:

A. an intermediate care facility for persons with mental retardation and related conditions that is not a regional center and that provides training and habilitation services to facility residents as part of the facility's residential program licensed under parts 9525.0210 to 9525.0430; or

B. providers that are licensed under parts 9545.0510 to 9545.0670 and that provide services only to persons under 18 years of age.

Subp. 4. **Exemptions for regional centers.** The following provisions of parts 9525.1500 to 9525.1690 do not apply to a regional center that can document compliance with corresponding standards in parts 9525.0210 to 9525.0430 and Code of Federal Regulations, title 42, sections 441.516 to 442.400, as amended through October 1, 1985:

A. part 9525.1540, subpart 1;

B. part 9525.1550, subparts 3, 4, 5, 9, 10, 11, and 12;

C. part 9525.1560; and

D. part 9525.1670.

#### **9525.1520 LICENSING PROCESS.**

Subpart 1. **License application.** A corporation, partnership, governmental unit, individual, or individuals that provide training and habilitation services to adults with mental retardation and related conditions must obtain a license from the department. Applications for a license must be made on the application form provided by the commissioner. The commissioner shall provide the applicant information on how to obtain:

A. the application form;

B. a copy of parts 9525.1500 to 9525.1690 and statutes and rules referenced in parts 9525.1500 to 9525.1690; and

C. the department documentation forms needed to verify compliance with parts 9525.1500 to 9525.1690.

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**Subp. 2. Completed application.** An application for licensure or relicensure is complete when the applicant signs and submits to the department the completed application form accompanied by:

A. the licensing fee required by parts 9545.2000 to 9545.2040; and

B. documentation that:

(1) service sites owned or leased by the applicant comply with current state building, zoning, fire, and health regulations, with the codes listed in parts 9525.1670 to 9525.1690, and with other applicable local codes and ordinances;

(2) variances from compliance with the codes and ordinances in subitem (1) have been granted by the state or local unit of government with jurisdiction to enforce the code or ordinance;

(3) a current determination of need or a biennial redetermination of need for the service and service site has been approved by the commissioner; and

(4) the applicant has provided the information required by the commissioner to complete the licensing study required by Minnesota Statutes, section 245.783, subdivision 3.

Any deficiencies cited by a fire marshal, building official, or health officer as a threat to health and safety under item B, subitem (1) must be corrected and documented as having been corrected by the inspecting official before a license will be issued by the department unless the inspecting official has granted and documented a variance under item B, subitem (2).

**Subp. 3. Separate license required.** Providers are required to apply for a separate license for each service site owned or leased by the provider at which persons receiving services and the provider's employees who provide training and habilitation services are present for a cumulative total of more than 30 days within any 12-month period.

**Subp. 4. Access to service sites owned or leased by the provider or applicant.** Under Minnesota Statutes, section 245.804, the provider or applicant shall give the commissioner access to the service sites owned or leased by the provider or applicant any time during hours of operation to facilitate the commissioner's evaluation of the provider's or applicant's compliance with parts 9525.1500 to 9525.1690. Access includes the right to review and photocopy the records required by parts 9525.1500 to 9525.1690, and to take photographs, make audio or video electronic tape recordings, and conduct interviews as a means of gathering the information required to evaluate compliance.

**Subp. 5. Licensing study of applicant and staff.** As specified in Minnesota Statutes, section 245.783, subdivision 3, a study of the applicant and of all staff members must be made before initial licensure and annually after that. The commissioner may require, at any time during the term of the applicant's licensure, a study of the applicant or of an employee if the commissioner has reasonable cause to believe that the refusal, convictions, or acts specified in subpart 6, item A occurred.

**Subp. 6. License denial or suspension.** The commissioner shall not issue a license or shall immediately suspend a license when one or any combination of the conditions described in item A, B, or C occurs.

A. The applicant or a present employee of the applicant:

(1) Refuses to give written consent to disclosure of information required by the commissioner to conduct a licensing study as specified in subpart 5.

(2) Has been convicted of a crime or has admitted to an act or there are reasonable grounds to believe has committed an act that directly relates to the abuse or neglect of children as defined in Minnesota Statutes, section 626.566, subdivision 2, or of vulnerable adults as defined in Minnesota Statutes, section 626.557, subdivision 2, clauses (d) and (e), and subdivision 3, and does not show evidence of sufficient rehabilitation and present fitness to care for vulnerable adults. The factors in Minnesota Statutes, section 364.03, subdivisions 2 and 3 must be considered in determining whether the act or conviction relates to the abuse or neglect of vulnerable adults and whether the person has shown evidence of sufficient rehabilitation and fitness.

(3) Has been convicted of a crime or has admitted to an act or there are reasonable grounds to believe has committed an act that directly relates to the occupation of providing care to vulnerable adults as defined in Minnesota Statutes, section 626.557, and does not show evidence of sufficient rehabilitation and present fitness to care for vulnerable adults. The factors in Minnesota Statutes, section 364.03, subdivisions 2 and 3 must be considered in determining whether the act or conviction relates to the occupation of providing care to vulnerable adults and whether the person has shown evidence of sufficient rehabilitation and fitness.

B. The service sites owned or leased by the applicant do not comply with the building, fire, and health codes under parts 9525.1500 to 9525.1690 and the deficiencies cited threaten the health, safety, or rights of clients.

C. The provider is cited for other deficiencies that immediately threaten the health, safety, or rights of clients.

**Subp. 7. License terms.** The license, whether regular or provisional, must show:

A. the name and address of the provider;

B. the rule or rules under which the provider is licensed;

C. the location of the service site if a site is owned or leased by the provider or the location of the administrative office if no site is owned or leased;

D. the number and age groupings of persons who may receive services at one time; and

E. the expiration date of the license.

Providers must assure continuing accuracy of any representation made in the application or in any licensing inspection.

**Subp. 8. Change in license terms.** The provider shall notify the commissioner and the commissioner shall conduct a new or partial inspection and study of the provider and of the service site for which the license will be issued when the provider proposes to do any one or any combination of the following:

A. change the location of the service site;

B. change the licensed capacity or number of persons for whom services are available;

C. make structural changes to the service site that require a building permit from the municipality or local jurisdiction; or

D. make changes in program governance, program direction, or clients served based on a redetermination of need under part 9525.0145.

**Subp. 9. Posting the license.** The provider shall post the license in a prominent place at the licensed site or at the administrative office if the provider does not own or lease a service site.

**Subp. 10. Return of license to commissioner.** When a provider no longer offers training and habilitation services, or if a license is revoked, suspended, or not renewed, the provider must return the license to the commissioner.

**Subp. 11. Variance request.** An applicant or provider may request a variance from compliance with parts 9525.1500 to 9525.1690 from the commissioner at any time if the variance would not threaten the health, safety, or rights of the persons served. An applicant or provider who requests a variance must send a copy of the variance request to the board of county commissioners of the host county within seven days of making the request.

A request for a variance must be submitted to the commissioner in writing. The written request must include the following information:

A. the sections of parts 9525.1500 to 9525.1690 from which the applicant or provider requests a variance;

B. the reasons why the applicant or provider needs to depart from the specified sections;

C. the period for which the applicant or provider requests a variance, not to exceed one year or the expiration date of the license; and

D. the specific equivalent measures that the applicant or provider will take to ensure the health, safety, and rights of persons receiving services if the variance is granted.

Any request for a variance from rule provisions related to fire, safety, occupancy codes, or food handling, water, and nutrition must be accompanied by a written statement from the fire marshal, building official, or health officer with jurisdiction that granting the variance does not pose a threat to the health and safety of persons receiving services.

**Subp. 12. Granting a variance.** The commissioner shall grant the applicant's or provider's request for a variance if all the conditions in items A to F are met.

A. The variance request meets the specifications in subpart 11.

B. Granting the variance will not threaten the health, safety, and rights of persons receiving services.

C. Granting the variance would not put the provider in substantial noncompliance with parts 9525.1560, 9525.1570, or 9525.1590 to 9525.1640.

D. Granting the variance would not be contrary to a standard required by Minnesota statutes.

E. The host county concurs with the provider's request.

F. The provider is in compliance with all other provisions of parts 9525.1500 to 9525.1690.

**Subp. 13. Notice to provider.** Within 30 days after receiving a request for a variance and the documentation supporting it, the

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commissioner shall inform the applicant or provider in writing whether the request has been granted or denied and why the request has been granted or denied. The commissioner's decision to grant or deny the variance is final. If the commissioner determines that licensing standards are not met and initiates a negative licensing action, that action may be appealed under part 9525.1530.

**Subp. 14. Notice by provider.** The provider shall send written notice to the legal representatives and the case managers of all persons receiving training and habilitation services from the provider, describing any variance granted by the commissioner under subpart 12 or any deficiency that exists if the provider has been issued a provisional or probationary license. The provider shall provide the written notice annually and keep records showing that the written notice was sent. Failure to comply with this subpart will result in a fine of \$250 and revocation of the license.

### 9525.1530 NEGATIVE LICENSING ACTIONS.

**Subpart 1. Negative licensing actions.** A negative licensing action includes denial of application for licensure or revocation, probation, suspension, nonrenewal, or immediate suspension of an existing license.

**Subp. 2. Procedure.** Under Minnesota Statutes, sections 245.801 to 245.803, failure to comply with parts 9525.1500 to 9525.1690 or the terms of licensure constitutes reasonable cause for a negative licensing action. If the commissioner determines that the standards in parts 9525.1500 to 9525.1690 or the terms of licensure have been violated, the commissioner shall notify the applicant or provider by certified mail unless personal service is required under subpart 5. The notice must be addressed to the name and location shown on the application or license and contain a statement of and reasons for the proposed action. The notice must inform the applicant or provider of the right to appeal the decision within the specified time period. The applicant or provider shall have an opportunity for a hearing under Minnesota Statutes, sections 14.57 to 14.69.

**Subp. 3. Denial or nonrenewal.** If the commissioner denies an application for licensure or refuses to renew an expired license, the applicant must be informed of the right to appeal the decision. The appeal must be made in writing and mailed within 20 working days of receipt of notice of the decision as specified in Minnesota Statutes, section 245.801, subdivision 1.

**Subp. 4. Suspension, revocation, or probation.** If the commissioner suspends or revokes a license or makes a license probationary, the provider must be informed of the right to appeal the decision. The appeal must be made in writing within ten working days of receipt of the notice of suspension, revocation, or probation as specified in Minnesota Statutes, section 245.801, subdivision 4.

**Subp. 5. Immediate suspension.** If the commissioner finds or has reasonable grounds to believe that the health, safety, or rights of the persons receiving services are in imminent danger, the commissioner shall immediately suspend the license of the provider. The provider must be informed of the suspension by personal service and be informed of the right to petition for reconsideration as specified in Minnesota Statutes, section 245.801, subdivision 4, within five days of receiving the notice of immediate suspension. The provider must cease operating as specified in the notice of immediate suspension. If the provider appeals, the appeal does not stay the decision of the commissioner to immediately suspend the license and does not allow the provider to resume operation while the appeal is pending.

**Subp. 6. Correction orders and fines.** If the commissioner finds that the provider does not comply with parts 9525.1500 to 9525.1690, the commissioner shall issue a correction order and the provider may be subject to a fine for each uncorrected deficiency as provided in Minnesota Statutes, sections 245.781 to 245.812 and 252.28.

**Subp. 7. Notice of negative licensing action.** The commissioner shall send notice to the host county when a license is suspended, revoked, made probationary, or immediately suspended or when a provider is fined. If a license is not immediately suspended and the provider remains in operation while an appeal of the commissioner's decision is pending, a notice of the commissioner's action and the provider's appeal must be sent by the commissioner to the host county and to the counties of financial responsibility.

**Subp. 8. Reapplication after revocation or nonrenewal.** A previous provider whose license has been revoked or has expired and has not been renewed must not be granted a new license for five years following revocation or nonrenewal. When the commissioner initiates revocation or nonrenewal against a provider, the provider may not voluntarily withdraw the license that is subject to revocation or nonrenewal in lieu of appealing the revocation or nonrenewal without giving written assurance that the provider is voluntarily accepting the revocation or nonrenewal and will not reapply for five years.

### 9525.1540 ADMINISTRATION.

**Subpart 1. Governing body.** The provider shall have a governing body and shall make available in writing to the commissioner and host county the names, addresses, and phone numbers of its members. Membership and duration of service must be determined under the bylaws and organizational structure of the agency and in accordance with part 9525.1580, subpart 2.

**Subp. 2. Advisory committee.** The governing body shall meet at least twice annually with an advisory committee. Half of the membership of the committee must represent the interests of the consumer, the local education agency, the local human services agency, and the local or regional vocational rehabilitation agency, and half of the membership must represent the local business community. No more than half the members of the advisory committee may also serve on the governing board. The provider shall

keep records of the minutes of the advisory committee meetings. The advisory committee shall initiate and facilitate projects to provide community integration and employment and shall advise, consult with, and make recommendations to the governing body about ways to meet overall service goals and about the provider's role in providing needed services to persons with mental retardation and related conditions who are currently of secondary school age when these persons become adults.

Subp. 3. **Administrative responsibility for compliance with other applicable laws and rules.** In addition to complying with parts 9525.1500 to 9525.1690, providers must comply with other applicable laws and rules, including those listed in items A to D:

A. the Minnesota Human Rights Act, Minnesota Statutes, chapter 363;

B. requirements for reporting maltreatment of vulnerable adults under Minnesota Statutes, section 626.557 and parts 9555.8000 to 9555.8500;

C. parts 9525.1200 to 9525.1330 when training and habilitation services are provided to persons who reside in intermediate care facilities for persons with mental retardation and related conditions that are not regional centers; and

D. rules adopted by the commissioner governing the use of aversive and deprivation procedures.

#### **9525.1550 ADMINISTRATIVE POLICIES AND RECORDS.**

Subpart 1. **Maintenance and availability of policies and records.** A provider shall follow the written policies and maintain the records required in this part. The written policies and records must be provided to the commissioner upon request and must be available for inspection as provided in part 9525.1520, subpart 5. The provider must make copies of all written policies available to counties, applicants for services, and to others as requested.

Subp. 2. **Provider's policies and procedures manual.** The provider shall maintain a written policies and procedures manual. The manual must be made available to the commissioner, host county, and county boards that contract with the provider. The manual's contents must be reviewed annually by the governing body or a designated staff person or committee. A log of the reviews must be maintained by the provider. The manual must contain up-to-date versions of the information in items A to G:

A. a mission statement and goals consistent with the needs of the persons served, a list of the services provided under part 9525.1570, the host county's determination of need for the service under part 9525.0145, and the resources available;

B. information identifying the availability and use of generic services, community locations, and commercial businesses to provide persons served with employment opportunities, opportunities for social interaction with nondisabled persons, and opportunities for training at service sites not owned or leased by the provider;

C. data collected under part 9525.1590 documenting outcomes of services provision;

D. an organizational chart listing the provider's employees and job titles;

E. written policies and criteria governing admission, exclusion, suspension, and discharge developed under part 9525.1560;

F. the provider's written behavior management policy developed under part 9525.1640; and

G. policies on the collection and dissemination of data on persons receiving services from the provider.

Subp. 3. **Personnel policies.** The provider must establish written personnel policies governing:

A. hiring, probation, evaluation, and termination of staff;

B. compliance with the Minnesota Human Rights Act, Minnesota Statutes, chapter 363;

C. staff training as required in part 9525.1620;

D. use of substitute staff and volunteers; and

E. staff benefits.

Subp. 4. **Personnel file.** The provider must have a personnel file for each employee that includes:

A. the employee's application or other written summary of the employee's qualifications;

B. the employee's health record, including verification of having had a physical examination within 12 months before employment and of having had examinations for tuberculosis as required by the Minnesota Department of Health;

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C. a signed statement from the employee stating that the employee knows the job description, has received the required orientation training, and that all written policies and procedures have been explained and are understood;

D. documentation of the probationary evaluation and all regular evaluations including at least an annual written evaluation; and

E. documentation of all training completed under part 9525.1640, subpart 4.

**Subp. 5. Records of persons receiving services.** A provider shall keep a record for each person served that contains the person's admission file as required in part 9525.1560, subpart 3, including current assessments; the individual habilitation plan file described in part 9525.1630; and the progress reports and evaluations completed by the provider or received from other service providers as required in parts 9525.0015 to 9525.0165 and 9525.1630.

**Subp. 6. Contracts.** The provider must have copies of all contracts required under parts 9525.0015 to 9525.0165, 9525.1200 to 9525.1320, 9550.0010 to 9550.0092, and under federal law when services are provided to residents of an ICF/MR, and any sub-contracts entered into with qualified consultants or commercial businesses to provide training and habilitation for persons receiving services.

**Subp. 7. Certificate required for work activity or subminimum wage.** When the provider is paying persons receiving employment or employment-related services less than the minimum wage, the provider must have the certificate from the Wage and Hour Division of the United States Department of Labor required by Code of Federal Regulations, title 29, parts 524 to 525 as amended through July 1, 1986.

**Subp. 8. Work performed for provider by persons receiving services.** A person receiving services from a provider shall work for the provider in place of an employee only when the conditions in items A to C are met:

A. the work training is specified in the person's individual habilitation plan;

B. the person is reimbursed an amount proportionate to the person's abilities and productivity; and

C. the person is supervised and has been specifically trained to perform the work.

**Subp. 9. Evidence of insurance.** Unless a provider has written proof of exemption from insurance, the provider must provide evidence of having insurance, including evidence of compliance with the workers' compensation insurance coverage requirement in Minnesota Statutes, section 176.81, subdivision 2.

**Subp. 10. Financial records.** A provider must keep financial records necessary to comply with parts 9550.0010 to 9550.0092. In addition, a provider who receives medical assistance funds must keep bills, financial records, statements, and audits necessary to comply with parts 9505.1750 to 9505.2150 and applicable federal regulations. The provider must keep the financial records for five years.

**Subp. 11. Record of applications for services.** The provider must have a record of each written application or referral for services received by the provider. The record must include the case manager's signature signifying approval of the application or referral and an explanation of actions taken on the application or referral. The provider must keep the record for four years.

**Subp. 12. Records of suspension and discharge.** The provider must keep records of persons receiving services who are suspended and discharged. The record must contain the reasons for the suspension or discharge, and all actions taken under part 9525.1560 before discharge or suspension. The provider must keep the suspension and discharge records for four years. This information must be summarized and made available to the host county and to the commissioner at the time of the biennial redetermination of need for the service.

**Subp. 13. Daily schedules and attendance.** The provider must keep records showing the daily hours of attendance and scheduled activities for each person receiving services. The provider must keep the daily schedules and attendance records for five years.

### **9525.1560 ADMISSION, EXCLUSION, SUSPENSION, AND DISCHARGE.**

**Subpart 1. Approval of policy, procedures, and criteria governing admission, exclusion, suspension, and discharge.** The provider must have a written policy that sets forth criteria for admission, exclusion, suspension, and discharge. The written policy and criteria must be approved annually by the governing body and must include procedures to be followed by the provider and host county before a suspension, exclusion, or discharge takes place. These procedures, policies, and criteria must be included as part of the host county contract under parts 9500.0010 to 9500.0092 and the three-party agreements under part 9525.1240.

**Subp. 2. Admission policy and criteria.** A provider shall not refuse to admit a person solely on the basis of the person's severity of disability, orthopedic or neurological handicaps, sight or hearing impairments, lack of communication skills, physical disabilities, toilet habits, behavioral disorders, or past failure of the person to make progress. The provider shall have an admission policy that specifies the criteria to be applied in determining whether the provider can develop services to meet the needs specified in the person's individual service plan. The provider's determination of capability to meet a person's needs must be consistent with the host

county's determination of need for the provider's service under parts 9525.0015 to 9525.0165. The admission policy must provide for ensuring that the host county concurs before the provider admits a person from a county other than the host county. The procedures established by the admission policy must specify a timeline for notifying the applicant of the provider's decision.

Subp. 3. **Admission file.** When a person is admitted, the provider must have compiled a file of information that contains:

A. a copy of the person's current individual service plan that states the need for and the expected outcomes of the specific training and habilitation services to be provided, and includes a copy of a physical examination report on the person dated no more than 365 days before the date of admission;

B. a letter from the case manager stating that the training and habilitation services to be provided to the person are not replacing services that are the statutory responsibility of a local educational agency or that are otherwise available from a rehabilitation agency funded under section 110 of the Rehabilitation Act of 1973, United States Code, title 29, section 730 as amended through October 31, 1986;

C. documentation supporting the person's need for the training and habilitation services offered by the provider. The supporting documentation may include reports and assessments prepared under parts 9525.0015 to 9525.0165;

D. a copy of the person's immunization record, if available; and

E. registration information that includes:

(1) the person's name, address, birthdate, and phone number;

(2) the name, address, and phone number of the person's legal representative, case manager, caregiver, physician, and hospital of preference;

(3) a signed statement authorizing the provider to act in a medical emergency when the person's legal representative cannot be reached or is delayed in arriving;

(4) the name of each medication currently prescribed for the person and statements signed by the person or person's legal representative authorizing the provider to administer or assist in administering the medication, if applicable;

(5) a list of the person's specific dietary needs and food-related allergies, if applicable; and

(6) the date of the person's admission.

Subp. 4. **Suspension procedures.** A provider may suspend a person only when the provider has documented that the person's behavior prompting the suspension presented an immediate danger as defined in part 9525.1500, subpart 19. The provider must notify the person's case manager or legal representative of the suspension within 24 hours of the suspension's effective date. A person may be suspended for no more than three consecutive service days up to a maximum of six days per calendar year. Within 24 hours after the suspension the provider must:

A. document that the procedures agreed upon by the provider and the host county in the county contract under parts 9500.0010 to 9500.0092 and the three-party agreements under part 9525.1240 have been followed before suspension;

B. document in the file the behavior prompting the suspension, including the frequency, intensity, and duration of the behavior;

C. document in the person's file the actions taken in response to the behavior including program changes and consultation with experts not employed by the provider; and

D. consult with the person's case manager and members of the interdisciplinary team to establish changes in the person's program under the terms of part 9525.0105 that will make suspension from service unnecessary in the future.

Subp. 5. **Discharge procedures.** A provider may discharge a person only when a condition or the conditions specified in item A, B, or C is met.

A. The person or the person's legal representative requests that the person be discharged.

B. The person's case manager has arranged the person's participation in a service that better meets the needs identified in the individual service plan or has determined through the procedures in part 9525.0075 that the service provided by the provider is no longer needed.

C. The provider has documented before the discharge that the person's behavior constituted an immediate danger, the provider

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has notified the person's case manager or legal representative of the provider's intent to discharge the person under subpart 6, and the provider documents in the person's file:

(1) that the procedures agreed upon by the provider and host county in the county contract under parts 9500.0010 to 9500.0092 and the three-party agreements under part 9525.1240 have been followed before discharge;

(2) that the interdisciplinary team met to plan and develop services to attempt to meet the person's needs within the program and the provider attended the meeting or meetings;

(3) the programs and program modifications used to attempt to meet the person's needs, and the dates of implementation;

(4) the names of experts not employed by the provider who were consulted, and the other community resources used to develop a program to meet the person's needs;

(5) that additional funds and resources were unavailable under parts 9510.1020 to 9510.1140;

(6) the minutes from the interdisciplinary team meeting or meetings conducted when it was decided to discharge the person; and

(7) the time the provider is willing to participate in delivery of services to the person until other services can be arranged or developed.

**Subp. 6. Reporting intended discharges.** If after following the procedures in subparts 1, 2, 4, and 5 the provider still intends to discharge a person, the provider must notify the person and the person's case manager or legal representative in writing. Notice of the proposed discharge must be given at least ten days before the proposed discharge. The written notice must include the information in items A to E:

A. reasons for and projected date of the intended discharge;

B. resources and services recommended to meet the person's needs;

C. notice of the person's right to appeal the actions under Minnesota Statutes, section 256.045;

D. notice of the person's right to be represented by an attorney or other interested party at an appeal hearing; and

E. notice that the services shall be continued if the appeal in item C is filed before the intended discharge, as specified in the notice.

### 9525.1570 SERVICES REQUIRED FOR LICENSURE.

**Subpart 1. Services that must be provided.** Services available from the provider must meet the specifications in subparts 2 to 6 and must be provided for a minimum of 195 days in a calendar year.

**Subp. 2. Employment and employment-related services.** Providers shall offer or provide employment and employment-related services in accordance with the objectives specified in each person's individual habilitation plan when the services are reimbursable under state and federal regulations. Employment and employment-related services shall be designed to increase integration into the community, increase productivity, increase income level, and improve the employment status or job advancement of the person served. Supported employment shall be offered as a first choice to any person, regardless of the severity of that person's disability, who is currently not able to work competitively and is authorized to receive employment or employment-related services that are reimbursable under state and federal regulations. Employment and employment-related services offered or provided must include but are not limited to:

A. individualized assessment;

B. individualized job development and placement;

C. on-the-job training in work and work-related skills required to perform the job;

D. ongoing supervision and monitoring of job performance;

E. ongoing support services when necessary and available within the provider's resources to assure job retention;

F. training in related skills essential to obtaining and retaining employment such as self-care, social appropriateness, problem solving, task completion, safety, use of community resources, use of break or lunch areas, and mobility training;

G. transportation between the individual's place of residence and the work place when other forms of transportation are unavailable or inaccessible;

H. adaptive equipment necessary to obtain and retain employment; and

I. training to improve related individual skill areas as identified in the individual habilitation plan.

**Subp. 3. Community integration services.** Providers shall offer or provide community integration services designed to increase

and enhance each person's social and physical interaction with nondisabled persons who are not paid caregivers or staff persons. Community integration services that the provider must offer or provide include but are not limited to:

- A. assistance and training with mobility, including community orientation, use of specialized transportation, and use of public transportation;
- B. assistance and training in communication and physical care to allow a person to participate in community activities and supported employment activities that would be considered appropriate for nondisabled individuals of or near the person's chronological age;
- C. provision or development of opportunities for persons' access to and participation in the community through cooperative programming with community agencies such as senior citizen centers or senior citizen clubs, generic service organizations, adult education institutions, or mental health agencies;
- D. individual or small group activities that provide opportunities for persons receiving services to interact with nondisabled as well as other persons with disabilities who are not paid caregivers to encourage friendships;
- E. specialized therapy designed to increase the person's communication skills and independent functioning or decrease the person's problem behaviors so that the person can participate to a greater degree in community activities and employment opportunities;
- F. training to recognize and nurture each person's interests and capabilities; and
- G. training to improve individual skill areas identified in the individual habilitation plan.

Subp. 4. **Nonduplication of services.** The employment, employment-related, and community integration services required in subparts 2 and 3 must not be provided as a substitute for:

A. "special education" and "related services" as defined in the Education of the Handicapped Act, United States Code, title 20, section 1401(6) and (17) as amended through December 31, 1985 which are otherwise available to an individual through a local educational agency; or

B. vocational services otherwise available to an individual through a program funded under section 110 of the Rehabilitation Act, United States Code, title 29, section 720, as amended through October 31, 1986.

Subp. 5. **Availability based on need.** Services shall be provided only on the days and during the hours needed by the persons served in accordance with each person's authorization to receive services. The provider shall reduce the level of supervision and assistance as the person's ability to exert control and choice over an activity increases as documented in quarterly progress reports.

Subp. 6. **Required training methods, materials, and content.** Training tasks and materials used with or by a person receiving services must meet the standard of being considered age-appropriate for nondisabled individuals who are near or of the same chronological age as the person receiving services. Skills training, planned activities, and planned interactions must include the emphases in items A to C.

A. Skills being taught will enable the person to perform an activity of daily living that would have to be performed for the person if the person did not have the skill.

B. Planned interactions or activities require mutual participation by the person receiving services and a nondisabled individual who is not a paid staff member.

C. Skills are taught in a way that increases the person's ability to function in a variety of settings and reflects how the skill will be used in natural environments.

#### **9525.1580 CONTROL AND LOCATION OF SERVICES.**

Subpart 1. **Definitions.** The terms used in subparts 2 and 3 have the meanings given them in this subpart.

A. "Related legal entities" means entities that share any governing board members or an executive director or are owned or partially owned by the same individual or individuals, or by related individuals.

B. "Related individuals" means individuals whose relationship to each other by blood, marriage, or adoption is not more remote than first cousin.

Subp. 2. **Control of services.** Training and habilitation services licensed under parts 9525.1500 to 9525.1690 and licensed residential services must not be provided to the same person by related legal entities. This requirement does not apply:

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A. to residential and day habilitation services directly administered by a county board or by the commissioner at a regional center;

B. until January 1, 1989, to residential and day habilitation services offered by a training and habilitation services provider that applied for licensure before April 15, 1983; or

C. to services provided to a person who resides at home with the person's family or foster family and who is receiving a combination of day habilitation and residential-based habilitation services under parts 9525.1800 to 9525.1930.

Subp. 3. **Location of services.** Training and habilitation services must be provided away from the residence of the person receiving services in communities where the person lives and works.

### 9525.1590 DOCUMENTING OUTCOMES OF SERVICES REQUIRED FOR LICENSURE.

Subpart 1. **Availability of data.** The documentation in subpart 2 must be provided to the commissioner on forms prescribed by the commissioner. The documentation in subpart 2 must be available to the host county and case manager upon request.

Subp. 2. **Outcomes of training and habilitation services.** Providers must collect data for each person receiving services on a quarterly basis throughout the calendar year. Data must be current as of the last day of the quarter being reported and must include:

A. the type of employment activity, location, and job title;

B. the number of hours the person worked per month;

C. the hourly wage paid to the person for time at work site;

D. the person's hourly production rate;

E. the number of disabled coworkers receiving provider services at the same work site where the person for whom the data is reported is working;

F. the number of nondisabled and nonsubsidized coworkers employed at the work site;

G. the length of time the person has been in his or her current work placement;

H. the person's eligibility for fringe benefits;

I. the number of hours per month of authorized service provision; and

J. the support services provided to help the person obtain and maintain employment, including the staff ratio requirement established for the person under part 9525.1600 and any increase or decrease in on-site supervision at a community job site that has occurred since the last quarter.

### 9525.1600 MINIMUM STAFFING REQUIREMENTS.

Subpart 1. **Minimum level of staffing required.** The number of direct service staff members that a provider must have on duty at a given time to meet the minimum staffing requirements established in this part varies according to:

A. the number of persons receiving services who are present at that given time;

B. the staff ratio requirement established under subpart 2 for each of the persons who is present; and

C. whether the conditions described in subpart 7 exist and warrant additional staffing beyond the number determined to be needed under subpart 6.

The commissioner shall consider the factors in items A, B, and C in determining a provider's compliance with the staffing requirements in this part and shall further consider whether the staff ratio requirement established under subpart 2 for each person receiving services accurately reflects the person's need for staff time.

Subp. 2. **Determining and documenting the staff ratio requirement for each person receiving services.** The case manager in consultation with the interdisciplinary team shall determine at least once each year which of the ratios in subparts 3, 4, and 5 is appropriate for each person receiving services on the basis of the characteristics described in subparts 3, 4, and 5. The ratio assigned each person and documentation of how the ratio was arrived at must be kept in each person's individual habilitation plan file. Documentation must include an assessment of the person with respect to the characteristics in subparts 3, 4, and 5 recorded on a standard assessment form required by the commissioner and the contents of the individual habilitation plan file.

Subp. 3. **Person requiring staff ratio of one to four.** A person who has one or more of the characteristics described in items A to C must be assigned a staff ratio requirement of one to four.

A. On a daily basis the person requires total care and monitoring or constant hand-over-hand physical guidance to successfully complete at least three of the following activities: toileting, communicating basic needs, eating, or ambulating.

B. The person assaults others, is self-injurious, or manifests severe dysfunctional behaviors at a documented level of frequency, intensity, or duration requiring ongoing intervention and monitoring as established in an approved behavior management program.

C. The person receives training and supervision from the provider for three or more hours a day at community locations or commercial businesses not owned or leased by the provider in accordance with the person's individual habilitation plan.

**Subp. 4. Person requiring staff ratio of one to eight.** A person who has all of the characteristics described in items A to C must be assigned a staff ratio requirement of one to eight.

A. The person does not meet the requirements in subpart 3.

B. On a daily basis the person requires verbal prompts and minimal or no physical assistance to successfully complete at least three of the following activities: toileting, communicating basic needs, eating, or ambulating.

C. The person receives training and supervision from the provider for less than three hours a day at community locations or commercial businesses not owned or leased by the provider.

**Subp. 5. Person requiring staff ratio of one to six.** A person who does not have the characteristics described in subpart 3 or 4 must be assigned a staff ratio requirement of one to six.

**Subp. 6. Determining number of direct service staff required.** The minimum number of direct service staff members required at any one time to meet the combined staff ratio requirements of the persons present at that time can be determined by following the steps in items A to D.

A. Assign each person in attendance the three-digit decimal below that corresponds to the staff ratio requirement assigned to that person. A staff ratio requirement of one to four equals 0.250. A staff ratio requirement of one to eight equals 0.125. A staff ratio requirement of one to six equals 0.166.

B. Add all of the three-digit decimals (one three-digit decimal for every person in attendance) assigned in item A.

C. When the sum in item B falls between two whole numbers, round off the sum to the larger of the two whole numbers.

D. The larger of the two whole numbers in item C equals the number of direct service staff members needed to meet the staff ratio requirements of the persons in attendance.

**Subp. 7. Conditions requiring additional direct service staff.** The provider shall increase the number of direct service staff members present at any one time beyond the number arrived at in subpart 6 if necessary when any one or combination of the circumstances described in items A to C can be documented as existing.

A. The health and safety needs of the persons receiving services cannot be met by the number of staff members available under the staffing pattern in effect even though the number has been accurately calculated under subpart 6.

B. The behavior of a person presents an immediate danger and the person is not eligible for a special needs rate exception under parts 9510.1020 to 9510.1140.

C. Eight or more persons are receiving training, assistance, and supervision from the provider exclusively at service sites not owned or leased by the provider in accordance with their individual habilitation plans.

**Subp. 8. Supervision requirements.** Each person receiving services must be directly supervised by at least one direct service staff member unless the person's individual habilitation plan requires that the person spend part or all of a scheduled activity without supervision by a staff member employed by the provider. At no time shall one direct service staff member directly supervise more than eight persons whose individual habilitation plans require direct supervision.

**Subp. 9. Timeline to achieve compliance.** Providers that do not comply with this part on the effective date of parts 9525.1500 to 9525.1690 must achieve compliance within two years of receiving an initial license under parts 9525.1500 to 9525.1690.

#### **9525.1610 STAFF QUALIFICATIONS.**

**Subpart 1. Staff qualifications.** The staff employed by a provider must, at a minimum, meet the qualifications in items A to E.

A. One staff member employed by the provider must meet the qualifications in subitem (1), (2), or (3):

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(1) a bachelor's degree in management or a human services field such as psychology, sociology, or child development and a minimum of three years of experience in the management of a human service delivery system; or

(2) five years' experience in a human services delivery system including at least two years in a management or supervisory position; or

(3) the qualifications outlined in item B plus three years of experience in the management of human services delivery.

B. A provider's staffing pattern must allocate to each person enrolled 5.5 percent of a full-time staff member's time. The staff member's qualifications must include at least the equivalent of one year of full-time experience working directly with persons with mental retardation or related conditions in addition to:

(1) a bachelor's degree in a human services field such as psychology, sociology, or child development or in special education, education, social work, nursing, vocational rehabilitation, physical therapy, speech therapy, recreational therapy, or occupational therapy; or

(2) a master's degree in psychology from an accredited program.

If there are times when this staff member provides direct service, the staff member shall, during those times, be counted in meeting the staff ratio requirements in part 9525.1600.

C. Additional staff must meet the qualifications required in their job descriptions. The qualifications required in the job descriptions must provide evidence of the person's ability to perform the required job tasks and contain requirements for prior education, experience, and training.

D. Consultants hired by the provider must meet the Minnesota licensing requirements applicable to the disciplines in which they are providing consulting services. Additional qualifications may be required by the contracting provider.

E. Staff persons who provide training and habilitation services that are reimbursed under parts 9525.1800 to 9525.1930 must meet the requirements in those parts in addition to the requirements in these parts.

Subp. 2. **Timeline to achieve compliance.** Providers that do not comply with this part on the effective date of parts 9525.1500 to 9525.1690 must achieve compliance within two years of receiving an initial license under parts 9525.1500 to 9525.1690.

### 9525.1620 STAFF TRAINING.

Subpart 1. **Plan required.** A provider must have a staff training plan that meets the requirements in subparts 2 to 8.

Subp. 2. **Orientation for new employees.** Orientation for new employees must meet the requirements in items A to F.

A. The orientation must include:

(1) an introduction to characteristics of and services for adults with mental retardation and related conditions and to the provision of services in part 9525.1570;

(2) an explanation and discussion of the provider's written policies, procedures, and practices including the goals and philosophy of service delivery, and health, safety, and emergency information;

(3) an overview of the specific job the employee will perform including, for direct service staff, information that familiarizes them with the goals and objectives of persons with whom they will be required to work on a regular basis, the progress the person has made, and the relationship of the person's history to present and future training and habilitation programs; and

(4) an explanation of the relevance of Minnesota Statutes, section 626.557, Reporting of Maltreatment of Vulnerable Adults, and Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act, for service delivery.

B. The orientation must be completed within the first 30 days of employment.

C. The orientation must include both supervised on-the-job training and other types of training equal to at least 30 hours.

D. The orientation must be provided to all employees, members of the governing board, and supervised volunteers who regularly provide direct services. Volunteers who are directly supervised by employees and members of the governing board may receive a modified eight-hour orientation instead of 30 hours.

E. The orientation must be counted toward the ongoing staff training requirements under subpart 2.

F. Documentation of having completed the required orientation must be included in each staff member's personnel file.

Subp. 3. **Scope and schedule of ongoing staff training.** A provider must ensure that a staff member who provides direct service annually completes a number of hours of training equal to at least two percent of the hours for which the staff member is annually paid. The training must:

A. be scheduled so that it does not interfere with providing the number of service days or hours the provider is under contract to provide. Substitute or backup staff may be provided to cover staff training time;

B. include in-service training, new employee orientation, and training from educational coursework, conferences, seminars, videotapes, books, or other planned materials;

C. be documented as having been completed by each employee in each employee's personnel file; and

D. meet the requirements in parts 9525.1800 to 9525.1930 as applicable.

Subp. 4. **Content of ongoing training.** Providers must be able to document that the ongoing training required in subpart 3 includes content that addresses:

A. obtaining and maintaining employment for persons with severe disabilities;

B. development, implementation, and evaluation of individual habilitation plans including data collection and analysis;

C. community-referenced training and assessment;

D. the analysis of challenging behavior and positive techniques for achieving behavioral change;

E. task analysis skills;

F. the legal rights of clients;

G. strategies for training and teaching communication and social skills; and

H. other areas appropriate to the needs of the persons served including assessing equipment needs, lifting and positioning of persons, and the training required in subparts 5, 6, and 7.

Subp. 5. **First-aid training.** Within three years before or 90 days after beginning employment, direct service staff and drivers employed by the provider must have completed at least eight hours of first-aid training that offers a first-aid certificate issued by the American Health Association or American Red Cross. First-aid training must be repeated every three years.

Subp. 6. **Cardiopulmonary resuscitation (CPR).** An individual trained in CPR must be available at each service site where there is a person who requires availability of CPR capability as specified in the individual service plan. The trained individual must have a current CPR certificate issued by the American Heart Association or American Red Cross.

Subp. 7. **Medication assistance.** An employee other than a physician, registered pharmacist, registered nurse, or licensed practical nurse who is responsible for medication assistance must (1) provide a certificate verifying successful completion of a trained medication aide program for unlicensed personnel approved by the Minnesota Department of Health; or (2) have been trained by a registered nurse to provide medication assistance. The training must be documented in the employee's personnel file. Medication assistance by unlicensed personnel includes responsibility for assisting persons receiving services to take medication and monitoring the effects of medication but does not include giving injections.

Subp. 8. **Training for emergencies.** A provider must train all staff to implement the written emergency procedures in part 9525.1660, subpart 13.

#### **9525.1630 INDIVIDUAL HABILITATION PLAN REQUIREMENTS.**

Subpart 1. **Establishing an individual habilitation plan.** A staff member with the qualifications in part 9525.1610, subpart 1, item B shall participate in the interdisciplinary team meeting required by parts 9525.0015 to 9525.0165 to develop an individual habilitation plan for each person receiving services and shall coordinate and monitor provision of services under the plan.

Subp. 2. **Plan file.** The provider must have an individual habilitation plan file for each person who is receiving services. The file must contain:

A. the individual service plan developed for the person under part 9525.0075;

B. the person's individual habilitation plan which contains the information required in part 9525.0105, subpart 4;

C. progress reports that:

(1) document the person's progress or lack of progress in attaining the goals and objectives written in the individual habilitation plan; and

(2) summarize and explain the reasons for modifications, replacements, additions, or continuance of objectives projected for the next quarter;

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D. the provider's implementation plan, which must include the individualized application of information stated in the provider manual under part 9525.1550, subpart 2, item B;

E. the annual review required in part 9525.0105 that includes:

(1) observational data about the objectives specified in the person's individual habilitation plan that is stated in behavioral terms;

(2) current assessment results and summary described under subparts 4, 5, and 6; and

(3) recommendations to the case manager to continue or modify each goal or objective of a person's individual service plan or individual habilitation plan and the rationale for the recommendation; and

F. the documentation required in part 9525.1600.

**Subp. 3. Review of progress toward individual habilitation plan goals.** The provider must quarterly review and summarize each person's progress or lack of progress in achieving the objectives of the training and habilitation services in the person's individual habilitation plan. This progress report must become part of the person's plan file.

**Subp. 4. Initial assessment.** After a person begins receiving services, the provider must assess the person to further determine the person's training and habilitation needs related to the attainment of short-term and long-range goals identified in the person's individual service plan. The assessment must be completed prior to the meeting of the interdisciplinary team where the person's individual habilitation plan is determined as specified in part 9525.0105. The assessment may incorporate assessment information obtained by the case manager under part 9525.0055 and must address at least items A to E.

A. Work skills including:

(1) work interests, history, and habits such as punctuality and attendance;

(2) general and specific work abilities, task performance, and proficiency levels; and

(3) support services necessary to obtain and maintain community-based employment.

B. Independent living and working skills including:

(1) self-care;

(2) community orientation;

(3) mobility;

(4) problem solving;

(5) social skills including interpersonal, emotional, and cognitive;

(6) communication skills; and

(7) transportation needs.

C. Medical, therapeutic, and rehabilitative needs in accordance with requests from the case manager.

D. Adaptations related to instruction, equipment, or environment that are needed to facilitate service delivery.

E. Situations and environments identified in part 9525.1550, subpart 2, item B, in which skills are needed and in which training and reassessment will occur.

**Subp. 5. Reassessment.** The provider must reassess each person receiving services, again addressing the skills and needs specified in subpart 4, items A to E, no more than 90 days before the annual review and at any other time when a reassessment is requested by the person's case manager or when a significant change is evidenced in the person.

**Subp. 6. Assessment summary.** The provider must annually prepare a written assessment summary for each person receiving services. The summary must contain a description of the person's current status, the person's progress or lack of progress in attaining goals and objectives, the person's service needs as identified during the assessment requested by the case manager and any other assessments conducted by the provider, and the program recommendations to be made to the interdisciplinary team in development and modification of the individual habilitation plan. When the person is scheduled for discharge from a residential facility, the assessment summary must include the provider's recommendations for training and habilitation services in the person's new environment.

### 9525.1640 BEHAVIOR MANAGEMENT.

**Subpart 1. Behavior management policy.** The provider must have and must follow a written policy governing the use of behavior management techniques. The written policy must:

A. be developed by the governing body in consultation with persons representative of the population served by the provider or by those persons' legal representatives;

B. be available to staff members and caregivers and other interested parties on request;

C. specify that behavior management procedures are to be used only as one element of an individual habilitation plan that focuses on developing adaptive behaviors to increase a person's ability to function independently in daily living;

D. specify that assessment of behavioral needs will include specific descriptors of a problem behavior, an assessment of environmental and communicative factors that might influence a person's behavior, and a thorough review of other factors that might be influencing the person's behavior;

E. require documentation that instructional techniques incorporating positive reinforcement have been tried and found to be unsuccessful before a more intrusive procedure is implemented; and

F. specify that the use of aversive or deprivation procedures must meet the standards in subpart 2.

**Subp. 2. Aversive or deprivation procedures.** A provider may use aversive or deprivation procedures only as specified in subpart 1, in Minnesota Statutes, section 245.825, and in rules adopted by the commissioner under Minnesota Statutes, section 245.825. This subpart applies both to emergency and nonemergency use of aversive or deprivation procedures.

**9525.1650 SERVICE SITES OWNED OR LEASED BY PROVIDER.**

**Subpart 1. Compliance with other regulations.** To receive a license or renew an expired license the provider must document that service sites owned or leased by the provider are in compliance with the regulations listed in items A to D, as applicable:

A. all codes and regulations listed under part 9525.1520, subpart 2;

B. chapter 4715 and Minnesota Department of Health rules governing sewage and water systems, if a service site is located in a facility that is not part of a city water or sewage system;

C. Code of Federal Regulations, title 34, part 104, as amended through July 1, 1986, which mandates that:

(1) buildings owned or leased by the provider that were constructed, renovated, or newly constructed after 1981 must have entrances, hallways, bathrooms, and program areas that are accessible to persons with physical handicaps;

(2) all training and habilitation services provided to persons with physical handicaps must be accessible; and

(3) a person shall not be denied access to needed training and habilitation services in community-based settings because of the person's physical disabilities; and

D. Code of Federal Regulations, title 29, part 1910, as amended through July 1, 1986, the Occupational Safety and Health Standards, if applicable.

**Subp. 2. Building space limitations.** The licensed capacity of a service site owned or leased by the provider must be determined by the amount of primary space available, the scheduling of activities at other service sites, and the space requirements of persons receiving services. In this subpart, "primary space" does not include hallways, stairways, closets, utility areas, bathrooms, kitchens, floor area beneath stationary equipment, and floor area beneath movable equipment or furniture not used by persons receiving services or staff members. Primary space may include up to 25 percent of the floor area occupied by movable equipment and furniture used by persons receiving services and staff. The following guidelines apply in determining the licensed capacity:

A. At least 40 square feet of primary space must be available for each person and each staff member who is engaged in a training and habilitation activity at the site for which the licensed capacity must be determined.

B. The commissioner may require the provider to have more than 40 square feet of primary space for each person engaged in a training and habilitation activity at the site for which licensed capacity must be determined if:

(1) one or more of the persons are physically handicapped and need wheelchairs or special walking aids;

(2) additional space is required for the person to perform the activities in the person's individual habilitation plan; or

(3) additional space is required to comply with local and state building codes.

**Subp. 3. Toilets.** Service sites owned or leased by the provider must have at least one toilet and one sink for every 15 or fewer persons receiving services at one time. Each bathroom must be equipped with hand drying devices, soap, a mirror, toilet paper, and a door. Service sites where training and habilitation services are provided for persons with physical disabilities must have for each 15 or fewer physically disabled persons served at least one toilet, one sink, and one hand drying device which are accessible.

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Subp. 4. **Hazards.** The provider shall comply with items A to G to ensure that service sites owned or leased by the provider are free from hazards.

A. The provider shall store hazardous materials, chemicals, and equipment in places inaccessible to persons receiving services except when persons are engaged in activities requiring the use of such materials, chemicals, or equipment in accordance with their individual habilitation plans.

B. The provider shall install handrails and nonslip surfaces on interior and exterior runways, stairways, and ramps.

C. The provider shall have elevators inspected each year. The date of the inspection, any repairs needed, and the date the necessary repairs were made must be documented.

D. The provider shall keep stairways, ramps, and corridors free of obstructions.

E. Outside property must be free from debris and safety hazards.

F. Radiators, fireplaces, hot pipes, steam radiators, and other hot surfaces and moving parts of machinery must be shielded or enclosed.

### 9525.1660 HEALTH- AND SAFETY-RELATED PROCEDURES.

Subpart 1. **Medical emergencies, accidents, illnesses.** The provider must have written procedures for responding to and reporting medical emergencies, accidents, and illnesses. These procedures must be reviewed and approved by a health consultant.

Subp. 2. **Ill clients.** There must be an area in which a person receiving services can rest if the person becomes ill while at a service site owned or leased by the provider.

Subp. 3. **Personal items.** Procedures for storing and using toothbrushes, individual cloth towels, and washcloths at service sites must be approved by a health consultant.

Subp. 4. **Source of emergency medical care.** The provider must identify a source of emergency medical care and transportation. Staff members must be taught how to contact the provider's source of emergency medical care and transportation.

Subp. 5. **First-aid kits.** The provider must have first-aid kits and handbooks for first-aid administration that are approved by a health consultant and available at all service sites owned or leased by the provider.

Subp. 6. **Recording and reporting accidents or illnesses.** The provider must have a written procedure for recording accidents or illnesses that require first-aid or medical attention and for reporting accidents or illnesses to a person's caregiver and legal representative. The provider must keep a file of reports on accidents or illnesses including a copy of the report sent to the caregiver and legal representative. Each report must indicate:

A. the person's name;

B. the date and time of the accident or illness;

C. a description of the accident or illness;

D. a description of the first aid or medical care administered; and

E. the name of the individual who administered the first aid or medical care.

Subp. 7. **Reporting of deaths and serious injury.** The provider must submit a report to the caregiver, the person's legal representative, the commissioner, the person's case manager, and the host county within 24 hours of an accident resulting in death or serious injury to a person receiving services. In this subpart, "serious injury" means an injury that requires hospitalization as an inpatient.

Subp. 8. **Reporting maltreatment of vulnerable adults.** The provider and the provider's employees are responsible for complying with the reporting requirements that apply under Minnesota Statutes, section 626.557 and parts 9555.8000 to 9555.8500.

Subp. 9. **Reporting of fires.** The provider shall report to the commissioner and the host county all fires that require the services of the fire department and interrupt service for more than 24 hours. The report must be submitted within five days of the date the fire occurred.

Subp. 10. **Exclusion of persons with communicable diseases and notification of exposure to communicable diseases.** The provider shall exclude persons with communicable diseases only when it is the opinion of the health consultant that the person may present a health hazard to others. When a person is excluded on the basis of this opinion, the exclusion must continue until the program can comply with the consultant's recommendations and the consultant approves the person's return to the program. When a person has been exposed to a communicable disease, the provider shall inform the person's caregiver.

Subp. 11. **Reportable diseases and notification.** Caregivers and the local health authority must be notified within 24 hours when the diseases listed in parts 4605.7030 to 4605.7700 are reported or observed in persons receiving services, volunteers, or staff members.

Subp. 12. **Physical examinations.** The provider shall require a staff member, volunteer, or person receiving services to have a physical examination if the staff member, volunteer, or person receiving services shows evidence of or is suspected of having a serious illness or communicable disease. The provider may require a physician's statement before the staff member, volunteer, or person receiving services is allowed to return to the program.

Subp. 13. **Medication administration.** The provider must have a written procedure governing the administration of prescription and nonprescription medications to persons receiving services. If a staff member helps persons receiving services take their medications, the staff member must meet the qualifications in part 9525.1620, subpart 6. The medication administration procedures and the qualifications of staff members who administer medication or provide medication as described in part 9525.1620, subpart 6 must be approved and reviewed annually by the health consultant. The health consultant's written review shall determine whether or attest that:

- A. any staff member authorized to administer medications or assist persons in taking medications has the required qualifications or training;
- B. authorizations for self-administration of medications or need for assistance in administration of medication required from the person's dentist or physician are current;
- C. the methods of storing medications and disposing of unused medications are acceptable;
- D. the method of recording medications dispensed by staff to persons receiving services is acceptable; and
- E. the time lines for carrying out recommendations made by the health consultant as a result of the review.

Subp. 14. **Emergencies.** At each service site owned or leased by the provider, written procedures, instructions, and information needed in case of emergencies caused by fire, blizzards, tornadoes, and other natural disasters must be available. The written procedures, instructions, and information must include:

- A. identification of staff members' responsibilities;
- B. identification and posting in each room of primary and secondary exits;
- C. identification of evacuation routes, procedures for evacuating persons receiving services, and emergency shelter away from each service site;
- D. posting of emergency telephone numbers;
- E. instructions on activating and responding to audible or visual alarm systems;
- F. procedures for conducting fire drills and logging the evacuation time, date, and time of drills;
- G. identification of tornado shelter area;
- H. instructions on how to close off a fire area;
- I. the location of the fuse box and instructions on how to throw the main electrical switch; and
- J. the location of the primary water shut-off and instructions for use.

Subp. 15. **Telephone.** A service site owned or leased by a provider must have a telephone that is not coin operated and that is not located in a room that is locked during service hours. Emergency numbers must be posted by the telephone.

Subp. 16. **Safety procedures.** The provider must establish general written safety procedures that include criteria for selecting, training, and supervising persons who work with hazardous machinery, tools, or substances. Safety procedures specific to each person's activities must be explained and be available in writing to all staff members and persons receiving services.

#### **9525.1670 FOOD SERVICE.**

Subpart 1. **General requirements.** The provider shall not prepare and serve meals for persons receiving services unless meal service by the provider is specified in a person's individual habilitation plan.

Subp. 2. **Sanitation.** When food service is provided at a site owned or leased by the provider, the procedures for handling, preparing, serving, and storing food and for washing food utensils and equipment must comply with parts 4625.2400 to 4625.5000 or local ordinances.

Subp. 3. **Special diets.** If a person has special dietary needs prescribed by a physician and the person eats food prepared by the

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provider, a written description of the specific dietary needs must be added to the person's individual habilitation plan file and must be available in the food preparation area.

Subp. 4. **Refrigeration.** The provider must provide refrigeration at service sites owned or leased by the provider for storing perishable foods and perishable portions of bag lunches, whether the foods are supplied by the provider or the persons receiving services. The refrigeration must have a temperature of 40 degrees Fahrenheit or less.

Subp. 5. **Time for meals.** The provider must allow time for persons in attendance for more than five consecutive hours to eat a meal. The meal time scheduled shall not exceed one hour unless a person requires additional time to eat a meal as specified in the person's individual habilitation plan.

Subp. 6. **Drinking water.** Drinking water must be available to all persons receiving services. Drinking water must be offered to persons unable to request or obtain drinking water at least every four hours. Drinking water must be provided in single service containers or from drinking fountains accessible to all persons.

### 9525.1680 EQUIPMENT.

The provider must provide and maintain any equipment, supplies, and materials needed to carry out the objectives of all persons' individual habilitation plans or to ensure their health, safety, nutrition, training, and habilitation needs. General equipment and adaptive devices must be appropriate to the chronological age, cultural norms, and development of the persons using the equipment and devices and must be in good repair.

### 9525.1690 TRANSPORTATION.

Subpart 1. **Provision of transportation.** To the extent possible, a person receiving services shall use or be trained to use public transportation to and from service sites. If persons receiving services are transported in vehicles owned or leased by the provider, the provider must show evidence of compliance with or exemption from parts 8840.5100 to 8840.6300 governing special transportation operating standards. Providers must have a written transportation policy that meets the requirements in subparts 2 to 4.

Subp. 2. **Information on persons transported.** Drivers must have in the vehicle an information sheet on the person transported. The information sheet must include:

- A. the person's name, address, and photograph;
- B. the nature of the person's disability and related safety needs;
- C. the person's emergency health care information;
- D. the names and phone numbers of the person's physician and caregiver; and
- E. the name and phone number of someone other than the person's caregiver who can be contacted in case of emergency.

Subp. 3. **Supervision.** When the individual habilitation plan of a person being transported in a vehicle owned or leased by the provider requires that person to have programming or supervisory staff while being transported, a staff member or adult volunteer must be present in the vehicle in addition to the driver.

Subp. 4. **Travel time to and from service site.** Except in unusual circumstances, the provider must not transport a person receiving services for longer than one hour per one-way trip. In unusual circumstances, the provider may request a variance for up to one year. Variances to this subpart are not renewable.

## Department of Public Safety Driver and Vehicle Services Division

### Notice of Withdrawal of Proposed Rule Governing Appointment of Deputy Registrars

Notice is hereby given that the State Department of Public Safety is withdrawing the proposed amendments to the rules governing appointment of deputy registrars.

The proposed rules which are being withdrawn were published in the *State Register*, Volume II, Number 13, pages 611-614, September 29, 1986 (11 S.R. 611).

Paul J. Tschida  
Commissioner of Public Safety

## ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

## Department of Health

### Adopted Permanent Rules Relating to Grants for Maternal and Child Health Services

The rules proposed and published at *State Register*, Volume 11, Number 25, pages 1098-1102, December 22, 1986 (11 S.R. 1098) are adopted with the following modifications:

#### Rules as Adopted

##### 4700.3400 REGIONAL REVIEW.

The applicant shall submit one copy of the completed application form to the commissioner by the date specified in the notice of availability and shall concurrently submit one copy of the completed application form to each of the following entities for the area in which the proposed activity will take place: regional development commission, ~~health systems agency~~, and local board of health. Any comments of the regional development commission, ~~health systems agency~~, or local board of health shall be submitted to the commissioner within 45 days after receipt of the application.

## OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

## County of Becker: Seventh Judicial District

### Order Establishing Law Library Fees

The undersigned, upon the recommendation of the Becker County Law Library Board of Trustees, which said recommendation has the approval of the Becker County Board of Commissioners, hereby sets, in addition to those law library fees already set, a library fee in the sum of \$5 on all misdemeanor convictions, a law library fee in the sum of \$5 on all petty misdemeanor convictions, a law library fee in the sum of \$10 on all gross misdemeanor convictions, and a law library fee in the sum of \$10 on all felony convictions. Said law library fees shall take effect April 1, 1987, and shall be assessed in said amounts for any offenses committed after 12:01 a.m., April 1, 1987.

Dated: 26 March 1987

Hon. Thomas P. Schroeder  
Judge of District Court

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## **Department of Commerce**

### **Notice of Activation to Insure Specified Classes of Business and Public Hearing for the Minnesota Joint Underwriting Association**

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- Financial Consultants For Municipalities
- Performance Bond For Roofing Contractors
- Roller/Ice Skate Rentals
- Methane Gas Collection and Pipeline Operation
- Fireworks Display Companies

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415 on June 29, 1987 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statute Sections 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of Minnesota Statutes, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 10:00 a.m. on June 19, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (Minnesota Rules Parts 1400.5100-1400.8400).

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statute Section 10A.01, subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5615.

Dated: 2 April 1987

Michael A. Hatch  
Commissioner of Commerce

#### **62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.**

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

#### **62I.22 HEARING.**

**Subd. 1. Administrative Law Judge.** The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

**Subd. 2 Notice.** The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

**Subd. 3 Contested Case; Report.** The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

**Subd. 4. Decision.** The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

**Subd. 5. Waiver or Modification.** If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

## **Department of Education Instructional Effectiveness Division**

### **Notice of Public Hearings on the Public Law 94-142 State Plan for Fiscal Years 1988-1990**

Notice is hereby given that the Minnesota Department of Education, Special Education Units seeks public comment through two public hearings on its Public Law 94-142 State Plan and Special Education/Early Childhood Grants Plan for fiscal years 1988-1990. By May 15, 1987, the State must develop, seek public participation, and submit complete three year State Plans for fiscal years 1988-1990.

Notice is hereby given that a full, intact Public Law 94-142 State Plan for fiscal years 1988-1990 will be available from the Special Education Units, Room 820, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, on April 20, 1987. A full, intact State Plan will also be available for public inspection and written and oral comments will be received at the two public hearings noted below:

Soo Line Room  
Sunwood Inn  
1010 Bandana Boulevard W.  
St. Paul, MN. 55108

Date: April 28, 1987  
Time: 1:00 P.M.-4:00 P.M.

Room 317  
Brainerd Community College  
College Drive & S.W. 4th St.  
Brainerd, MN. 56401

Date: April 29, 1987  
Time: 1:00 P.M.-4:00 P.M.

For further information, contact Norena A. Hale at 612/296-1793 or Darl Laffrenzen at 612/296-4831.

## Department of Energy and Economic Development Business Financial Management Division

### Notice of Availability of Tax Exempt Financing Issuance Authority

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of April 6, 1987, is as follows:

#### Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to:

- (a) General Obligation Projects
- (b) Manufacturing Projects \$ 44,489,380

For:

- Pollution Control/Waste Management Projects \$ 2,847,876
- Commercial Redevelopment
- Multifamily Housing Projects \$ 17,708,783

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19, Subd. 2, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

## Department of Transportation

### List of Rights-of-Way Proposed for Acquisition

The Commissioner of the Minnesota Department of Transportation is publishing this notice to list the right-of-way of several abandoned rail lines proposed for acquisition through the State Rail Bank program. This notice is published pursuant to Minnesota Statutes, Section 222.63, Subdivision 3, and in accordance with the rules governing the State Rail Bank, Minnesota Rules 1985, Part 8830.5800. Information about the railroad right-of-way proposed for acquisition is as follows:

1. The rail lines are under the joint ownership of the Soo Line Railroad Company and the Burlington Northern Inc. They are—

- Spur Line No. 327 Deerwood to Trommald, 9.83 miles;
- Spur Line No. 329 of Spur No. 327, Huntington Jct to Riverton, 2.31 miles; and
- Spur Line No. 326 off Spur No. 327, Ironton to Cuyuna, 4.77 miles.

2. The lines are in Crow Wing County.

3. The identified future use for the right-of-way is for the re-establishment of rail freight service.

4. This right-of-way constitutes the major portion of the Cuyuna Range Lines. Abandonment became effective for these lines on February 28, 1987.

Written comments about the proposed acquisition should be sent to the Minnesota Department of Transportation within 30 days of the publication of this Notice. Comments should be mailed to the following address:

Isaac McCrary, Jr., Manager  
State Rail Bank Program  
Office of Railroads & Waterways  
Minnesota Department of Transportation  
810 Transportation Building  
St. Paul, MN 55155

Dated: 3 March 1987

Leonard W. Levine  
Commissioner

## Department of Transportation

### Petition of the City of St. Louis Park for a Variance from State Aid Administrative Requirements for the Determination of Maintenance Monies

Notice is hereby given that the City Council of the City of St. Louis Park has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from requirements for establishing their 1987 Maintenance Allocation.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.1400 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit the City of St. Louis Park to increase their 1987 Maintenance Allotment by \$16,730.00.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 3 April 1987

Leonard W. Levine  
Commissioner of Transportation

## Department of Transportation

### Suspension Order

TO: Douglas A. Rupp

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.4200 you are suspended and disqualified from entering into or receiving a Minnesota Department of Transportation (MN/DOT) contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of 5 days (to and including April 10, 1987) from the date of this order.

Minnesota Rule 1230.3100, Subpart 9, states:

Subp. 9. **MN/DOT contract.** "MN/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Minnesota Rule 1230.4200, Subpart 1, states:

Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon receiving evidence of an affiliation described in part 1230.3600, subpart 2.

1. You are suspended because you were convicted of violations of Minn. Stat. sections 325D.53, subd. 1(2) in Nobles County in District Court in the Fifth Judicial District in Minnesota on April 12, 1985.

Debarment proceedings against you will begin within 10 days.

Dated: 6 April 1987

Douglas H. Differt  
Deputy Commissioner

## OFFICIAL NOTICES

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### Department of Transportation

#### Notice of Proposed Debarment and Notice of Opportunity for Hearing

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.3200, the Commissioner of Transportation proposes to disqualify you from receiving Minnesota Department of Transportation contracts and from serving as a subcontractor or material supplier under a MN/DOT contract.

The debarment is proposed because you were convicted of violations of Minn. Stat. sections 325D.53, subd. 1(2) (Count I Bid Rigging (W. Hodgman) and Count II Bid Rigging (Hugo Schluz) ) in Nobles County in District Court in the Fifth Judicial District in Minnesota on April 12, 1985, with Judgment entered on September 23, 1985. Bidrigging is a contract crime as defined in Minnesota rule 1230.3100, Subpart 5.

Rule 1230.3200, Grounds For Debarment states:

Subpart 1. **Contract crime.** A business must be debarred upon conviction in any jurisdiction, of the business or a principal of the business, for commission of a contract crime or when a conviction is imputed to the business under part 1230.3300.

You may request a hearing under Minnesota Statutes, Chapter 14, by submitting a written request for a hearing to Leo A. Korth, Department of Transportation, Transportation Building, Room 413, John Ireland Boulevard, St. Paul, Minnesota, 55155 by April 27, 1987. If you request a hearing, an Administrative Law Judge will be appointed by the Chief Administrative Law Judge of the Office of Administrative Hearings to recommend to the Commissioner of Transportation whether there are grounds for debarment and the period of the debarment.

Douglas A. Rupp (Rupp) and Rupp Construction Company, Inc. (Rupp Construction) have been previously debarred by the United States Department of Transportation for a period of one year, April 11, 1986 through April 10, 1987. Rupp and Rupp Construction have been disqualified for that period from entering into or receiving a MN/DOT contract with federal-aid or from serving as a subcontractor or material supplier under a MN/DOT contract with federal-aid. Rupp and Rupp Construction have not been awarded a MN/DOT contract (state or state-aid funds) or acted as a subcontractor or material supplier under a MN/DOT contract (state or state-aid funds) during this federal debarment period.

Taking in consideration these facts and upon consideration of the factors found in Rule 1230.3500, it is proposed that the state debarment period for Rupp be coordinated with and be made concurrent with existing United States Department of Transportation debarment, April 11, 1986 through April 10, 1987.

If you do not request a hearing within 20 days from the date of this notice the allegations in this notice will be considered true and you will be debarred for a period of 1 year, effective retroactively from and including April 11, 1986 through and including April 10, 1987.

Dated: 6 April 1987

Douglas H. Differt  
Deputy Commissioner

### Department of Transportation

#### Suspension Order

TO: Rupp Construction Company, Inc.

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.4200 you are suspended and disqualified from entering into or receiving a Minnesota Department of Transportation (MN/DOT) contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of 5 days (to and including April 10, 1987) from the date of this order.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. **MN/DOT contract.** "MN/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Minnesota Rule 1230.4200, Subpart 1, states:

Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon receiving evidence of an affiliation described in part 1230.3600, subpart 2.

1. You are suspended because you were convicted of violations of Minn. Stat. sections 325D.53, subd. 1(2) in Nobles County in District Court in the Fifth Judicial District in Minnesota on April 12, 1985.

Debarment proceedings against you will begin within 10 days.

Dated: 6 April 1987

Douglas H. Differt  
Deputy Commissioner

## Department of Transportation

### Notice of Proposed Debarment and Notice of Opportunity for Hearing

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.3200, the Commissioner of Transportation proposes to disqualify you from receiving Minnesota Department of Transportation contracts and from serving as a subcontractor or material supplier under a MN/DOT contract.

The debarment is proposed because you were convicted of violations of Minn. Stat. sections 325D.53, subd. 1(2) (Count I Bid Rigging (W. Hodgman) and Count II Bid Rigging (Hugo Schulz) ) in Nobles County in District Court in the Fifth Judicial District in Minnesota on April 12, 1985, with Judgment entered on September 23, 1985. Bidrigging is a contract crime as defined in Minnesota rule 1230.3100, Subpart 5.

Rule 1230.3200, Grounds For Debarment states:

Subpart 1. **Contract crime.** A business must be debarred upon conviction in any jurisdiction, of the business or a principal of the business, for commission of a contract crime or when a conviction is imputed to the business under part 1230.3300.

You may request a hearing under Minnesota Statutes, Chapter 14, by submitting a written request for a hearing to Leo A. Korth, Department of Transportation, Transportation Building, Room 413, John Ireland Boulevard, St. Paul, Minnesota, 55155 by April 27, 1987. If you request a hearing, an Administrative Law Judge will be appointed by the Chief Administrative Law Judge of the Office of Administrative Hearings to recommend to the Commissioner of Transportation whether there are grounds for debarment and the period of the debarment.

Rupp Construction Company, Inc. (Rupp Construction) and Douglas A. Rupp (Rupp) have been previously debarred by the United States Department of Transportation for a period of one year, April 11, 1986 through April 10, 1987. Rupp Construction and Rupp have been disqualified for that period from entering into or receiving a MN/DOT contract with federal-aid or from serving as a subcontractor or material supplier under a MN/DOT contract with federal-aid. Rupp Construction and Rupp have not been awarded a MN/DOT contract (state or state-aid funds) or acted as a subcontractor or material supplier under a MN/DOT contract (state or state-aid funds) during this federal debarment period.

Taking in consideration these facts and upon consideration of the factors found in Rule 1230.3500, it is proposed that the state debarment period for Rupp Construction be coordinated with and be made concurrent with existing United States Department of Transportation debarment, April 11, 1986 through April 10, 1987.

If you do not request a hearing within 20 days from the date of this notice the allegations in this notice will be considered true and you will be debarred for a period of 1 year, effective retroactively from and including April 11, 1986 through and including April 10, 1987.

Dated: 6 April 1987

Douglas H. Differt  
Deputy Commissioner

## State Retirement System

### Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, April 17, 1987 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## State Board of Vocational Technical Education

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Licensure of Postsecondary and Adult Vocational Technical Education Personnel, Service Occupations

Notice is hereby given that the State Board of Vocational Technical Education is seeking information or opinions from sources outside the agency in preparing to amend Chapter Thirty-Five Fifteen: Rules for Licensure of Vocational Technical Education Personnel and specifically in Service Occupations licenses. The promulgation of these rules is authorized by Minnesota Statutes s 136C.04, subd. 9. and 125.185 subd. 4.

The State Board of Vocational Technical Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit written statements of information or comment orally. Written comments should be addressed to:

Ms. Helen Henrie  
State Board of Vocational  
Technical Education  
565 Capital Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 297-4575

Ms. Georgia Pomroy  
State Board of Vocational  
Technical Education  
558 Capital Square Bldg.  
550 Cedar Street  
St. Paul, MN 55101  
(612) 296-0680

Oral Statements will be received during regular business hours over the telephone at (612) 296-0680 and in person at the above address.

All statements of information and comments shall be accepted until 4:30 P.M., May 13, 1987. Any written material received by the State Board of Vocational Technical Education shall become part of the record in the event that the rules are amended.

Helen Henrie, Deputy Director  
State Board of Vocational  
Technical Education



### More: Minnesota's mushroom

*ROON: A Tribute to Morel Mushrooms*, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$9.50.

*Edible Mushrooms*, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paper-bound, 118 pp. Code #19-11, \$8.95.

*Mushrooms of North America*, full color poster, 24" x 37", showing 40 common species of edible and poisonous mushrooms. Code #15-13, \$8.50.

*Northland Wildflowers*, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Hardbound, 236 pp. Code #19-9, \$12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

# STATE CONTRACTS AND ADVERTISED BIDS =====

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

## Department of Administration: Procurement Division

### Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Aerial lift/truck—rebid	Apr 20	Transportation	St. Paul	79382 01183
Steel picnic table frames	Apr 20	Dept Natural Resources	St. Paul—Grand Rapids	29000 45996
Straw summer hats	Apr 20	Dept Natural Resources	Grand Rapids	29000 45986
Tape cartridges	Apr 20	Information Mgmt BR.	St. Paul	02410 51468
L.P. Gas—Rebid	Apr 16	Various	Various	SCH. 93A
Solar Photovoltaic (DK)	Apr 13	State University	Moorhead	26072 10049
Trichloroethane	Apr 15	Various	Various	
Carpeting & install—rebid	Apr 15	Plant Mgmt	St. Paul	02307 52700
Dust collectors	Apr 15	Vets Home	Mpls	75200 00472 71
Computer terminal tables/stands & accessories	Apr 15	Various	Various	Price Contract
Window washing—Capitol complex (BV)	Apr 21	Plant Management	St. Paul	Price Contract

## Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Manual Covers	Apr 17	Transportation	St. Paul	5983 79000 74148
Explore MN Itineraries Magazine	Apr 17	Tourism	St. Paul	6304 22400 01553
Explore MN Itineraries Magazine	Apr 13	Tourism	St. Paul	6305 22400 01554
Child Support Mailer	Apr 17	Human Services	St. Paul	5802 55000 96280
1987 Big Game Regs w/Map	Apr 17	Natural Resources	St. Paul	5798 29000 45929
1987 waterfowl/small game/ trapping regulations	Apr 20	Natural Resources	St. Paul	6027 29000 45976 6028 29000 45977

## **STATE CONTRACTS & ADVERTISED BIDS**

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### **Department of Administration Telecommunications & Technology Management Division**

#### **Notice of Availability of Contract for Technical Services to Assist in Telephone Rate Change Proceedings**

The Department of Administration is seeking qualified consultants to investigate and assist in the department's intervention in hearings before the Public Utilities Commission regarding the petition of AT&T Communications of the Midwest, Inc. for a change in Intrastate, Interexchange telephone service rates.

The tasks involve performing discovery, developing and delivering direct, rebuttal and surrebuttal testimony, and standing cross examination on such testimony for the Department of Administration's position in the rate hearing proceedings. The successful responder should have extensive experience in post-divestiture telecommunications work in revenue requirement, accounting and financial issues.

Details of the project are contained in a Request for Proposal and are available from:

Roger Nelson, Senior Engineer  
Department of Administration  
Telecommunications & Technology Management Division  
658 Cedar Street, 5th Floor, Centennial Bldg.  
St. Paul, MN 55155

For further information, contact Roger Nelson, (612) 296-6544.

Estimated cost of the project should not exceed \$35,000.

Final date for submission of proposals is 4:30 p.m., April 27, 1987.

### **Department of Corrections Minnesota Correctional Facility—Sauk Centre**

#### **Notice of Request for Proposals for Qualified Chemical Dependency Services**

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for qualified chemical dependency services including duties such as evaluations, counseling, training and staff consultations. Approximately 14 hours per week are required. A two-year (FY 88-89) proposal is preferred. The contract amount will not exceed \$18,000.

#### **Notice of Request for Proposals for Protestant Chaplain**

Notice is hereby given that the Minnesota Correctional Facility—Sauk Centre is requesting proposals for (CPE) Protestant Chaplain to provide services including duties such as religious counseling and working with other religious staff to provide weekly worship services as well as a meaningful religious program for all students. Approximately 14 hours per week are required. A two-year (FY 88-89) proposal is preferred. The contract amount will not exceed \$18,460.

Proposals for each of the above two contracts must be submitted by 8:00 a.m., May 15, 1987. For guidelines to proposals for additional information contact:

Richard M. Dold  
Correctional Juvenile Assistant Program Director  
MCF-Sauk Centre  
Box C  
Sauk Centre, MN 56378  
Phone: 612/352-2296

### **Department of Corrections Minnesota Correctional Facility—Stillwater**

#### **Notice of Request for Proposals Providing for Physical Examinations**

Notice is hereby given that the Minnesota Correctional Facility, Stillwater, is requesting proposals for providing physical exami-

nations for approximately 125 correctional counselor trainees, 48 non-corrections counselors, and 12 correctional counselors age 55 and older for the period of July 1, 1987, through June 30, 1989. The estimated cost will not exceed \$14,700.00 for two years, \$7,200.00 first year and \$7,500.00 second year.

These proposals must be submitted by 4:30 P.M., May 22, 1987, to David Corbo, Personnel Director. Please contact Mr. Corbo at (612) 779-2709 if interested.

## **Department of Corrections Minnesota Correctional Facility—Stillwater**

### **Notice of Request for Proposals for Professional/Technical Services Contracts**

Notice is hereby given that the Minnesota Correctional Facility—Stillwater is seeking the following services for the period of July 1, 1987, through June 30, 1989.

1. Services of a Registered X-Ray Technician on a part-time basis of approximately 20 hours per month, to provide emergency vacation and sick time coverage for x-ray services. The estimated amount of the contract shall not exceed \$6,720.00.

2. Services of a Registered Medical Laboratory Technician on a part-time basis of approximately 125 hours per month, to provide laboratory and TB coverage during vacation and sick leave, and laboratory coverage during periods of communicable disease monitoring as needed. The estimated amount of the contract shall not exceed \$39,000.00.

Direct inquiries to Evern Olson, Registered Nurse, Minnesota Correctional Facility, P.O. Box 55, Stillwater, Minnesota 55082, or telephone at 779-2700, extension 2638.

Proposals for the above listed contracts must be submitted no later than May 22, 1987.

## **Department of Human Services Deaf Services Division**

### **Contract Available for Interpreter Referral Services**

The Deaf Services Division, Department of Human Services, for the State of Minnesota, is soliciting proposals for the provision of interpreter referral services for hearing impaired individuals through establishment of a statewide computerized interpreter referral service.

Activities of the interpreter referral service will include the following:

(1) develop and maintain a comprehensive statewide directory of interpreters who use American Sign Language, Manually Coded English, Sign Systems, Speech Reading, or tactile systems to facilitate communication exchanges; (2) fill interpreter referral requests generated in the public, private and non-profit human service sector, and, when coordinating interpreter referral requests, to give priority to state and county human service agencies; and (3) fill interpreter referral requests by hearing impaired consumers who request interpreters to attend meetings, cultural events, social events, political events, workshops, training or media events.

The activities also include monitoring of interpreter services, provision of reports in the specified format, and participation in quarterly evaluations of the interpreter referral services.

The Division reserves the right to award the entire amount to one responder. The total amount expended for this activity will not exceed \$86,100.00\* for fiscal year 1988 (July 1, 1987 through June 30, 1988).

The full text of the Request for Proposals is available on request. Inquiries and responses must be directed to:

Amy McQuaid, Social Services Program Planner  
Deaf Services Division  
Fourth Floor—Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
612/296-8978

Responses must be received no later than 4:00 p.m. on May 15, 1987.

Late proposals will not be accepted. Award for the contract will be May 30, 1987.

\*Pending approval of 1987 State Legislative approval.

# SUPREME COURT DECISIONS

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## Decisions Filed Friday, 3 April 1987

Compiled by Wayne O. Tschimperle, Clerk

**C6-85-104 L & H Transport, Inc., v. The Drew Agency, Inc., defendant and third party plaintiff v. Chubb and Sons, Inc., third party defendant, petitioner, Appellant, L & H Transport, Inc., v. Chubb and Sons, Inc., petitioner, Appellant. Court of Appeals.**

When an insurance policy contains a suit limitations clause which requires suit to be brought within a certain period, failure to bring suit within that period bars suit unless the limitation clause conflicts with a specific statute or is unreasonably short.

Affirmed in part and reversed in part. Amdahl, C.J.

**C9-85-2106 James B. Lund and Ingrid Lund, Relators v. County of Hennepin. Tax Court.**

Minn. Stat. § 273.13, subd. 7 (1984) (repealed 1985), did not violate equal protection or due process clauses of the federal constitution.

Minn. Stat. § 273.13, subd. 7, did not violate uniformity clause of the state constitution and did not constitute special legislation exempting taxation.

Minn. Stat. § 273.13, subd. 15a (1984), could constitutionally provide for use of general revenue funds to replace reductions in homestead property tax revenue.

Rate of taxation on relators' homestead property is not invalid or unconstitutionally excessive.

Affirmed. Amdahl, C.J.

Dissenting, Yetka, J., Wahl, J., and Kelley, J.

**C6-86-2 Jostens, Inc. v. CNA Insurance/Continental Casualty Company, petitioner, Appellant. Court of Appeals.**

Issue of whether insured properly provided insurer with notice of lawsuit was previously decided on appeal.

Court of Appeals erred in not allocating damages according to terms of insurance policy.

Court of Appeals properly calculated prejudgment interest from period when insured paid settlement.

Affirmed in part, reversed in part. Amdahl, C.J.

Took no part, Coyne, J.

Opinion of January 16, 1987 withdrawn and this opinion substituted.

**C0-86-1212 David John Little, a minor child, by Robin Nash, his mother and natural guardian, and Robin Nash, Individually v. Joan Miklya, petitioner, Appellant. Court of Appeals.**

A stipulation under Rule 29 of the Minnesota Rules of Civil Procedure is the functional equivalent of a court order for purposes of sanctions under Rule 37.02 of the Minnesota Rules of Civil Procedure.

Reversed. The writ of prohibition is dissolved. Scott, J.

**C4-86-1844 Donald and Glenola Kaluza v. Home Insurance Company. United States District Court.**

The Certified questions from the United States District Court are answered as follows:

Minn. Stat. § 176.82 creates a remedy for the conduct alleged by plaintiff. The first certified question is therefore answered in the affirmative.

The Minn. Stat. § 176.82 claim does not merge with the award of penalties under Minn. Stat. § 176.225. The second certified question is therefore answered in the negative.

"[T]he amount of any compensation benefit to which the employee is entitled," Minn. Stat. § 176.82, is all compensation to which the employee is entitled by reason of the work-related injury. The answer to the third certified question, therefore, is (1).

Minn. Stat. § 176.031 does not preclude these claims. The fourth certified question is therefore answered in the negative.

These claims do not merge with the award of penalties under Minn. Stat. § 176.225. The fifth certified question is therefore answered in the negative.

Scott, J.

**C9-86-1550 William H. Schroeder, Relator v. Highway Services and Home Insurance Company and United of Omaha, Minnesota Department of Economic Security. Workers' Compensation Court of Appeals.**

The finding of the compensation judge, affirmed by the Workers' Compensation Court of Appeals, that employee voluntarily retired from the labor market for nondisability reasons, is not manifestly contrary to the evidence.

Pursuant to *Moes v. City of St. Paul*, \_\_\_\_\_ N.W. 2d \_\_\_\_\_ (Minn., filed March 20, 1987), employee is entitled to permanent partial disability compensation for his occupational disease.

Affirmed in part, reversed in part, decision of the compensation judge reinstated. Simonett, J.

**C9-86-950 In the Matter of the Application for the Discipline of Anthony A. Danna, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Per Curiam.

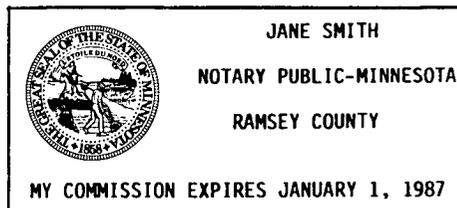
**ORDERS**

**C2-85-1329 In Re Petition for Disciplinary Action Against Roger L. Oldenkamp, Respondent. Supreme Court.**

Respondent's removal from disability inactive status declined. Amdahl, C.J.

**1986 NOTARY  
PUBLIC LAWS**

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



**U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:**

- |  |                         |
|--|-------------------------|
| Insurance and Risk Management for Small Business   | Code No. 16-50. \$3.00. |
| Small Business Finance                             | Code No. 16-42. \$4.50. |
| Starting and Managing a Small Business of Your Own | Code No. 16-40. \$4.75. |

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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**Catching criminals is only one part of law enforcement.  
Here's the rest of it.**

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$12.50.

**Background Investigation Manual 1986**—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

**Motor Vehicle Traffic Laws 1986**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$12.50.

**Criminal Code & Selected Statutes 1986**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$12.00.

**Blue Binder**—3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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## Murder: Minnesota style

**Murder in Minnesota** is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

**Robber and Hero** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

**Secrets of the Congdon Mansion** The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

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## NEW Human Services Laws and Rules

### Human Services Laws 1986

An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$20.00

### Human Services Rules as in effect July 7, 1986

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$24.95.

**3 ring binder.** 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

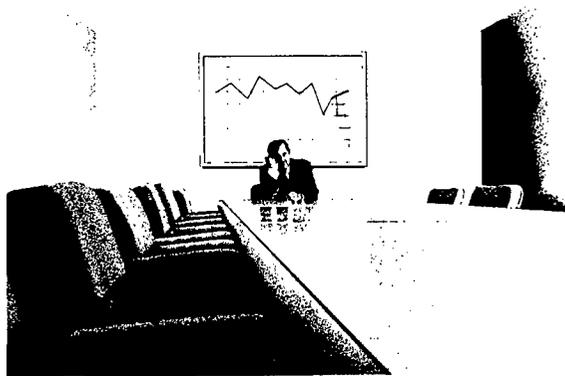
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## Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, \$10.00.



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## Woodworking for Wildlife

*Woodworking for Wildlife*, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.

*Help Minnesota's Wildlife*, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

*Fifty Birds of Town and City*, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

*Mammals of Minnesota*, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$15.95.

*Bird Portraits in Color*, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

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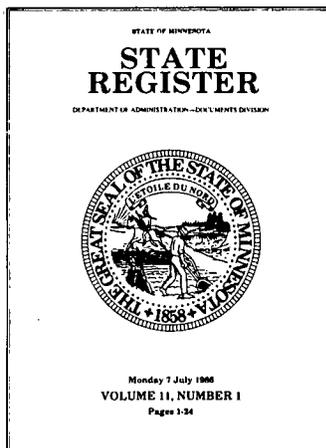
## Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. \$20.00.

**SPECIAL NOTE:** New Charitable Gambling Rules will be available Spring '87. Governs the conduct of charitable gambling events like bingo. Call for price information in the Spring.

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## We want you to have our business—\$1 billion annually

Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

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## Pheasants in Minnesota

**Pheasants in Minnesota**, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.



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## Minnesota: national leader in education

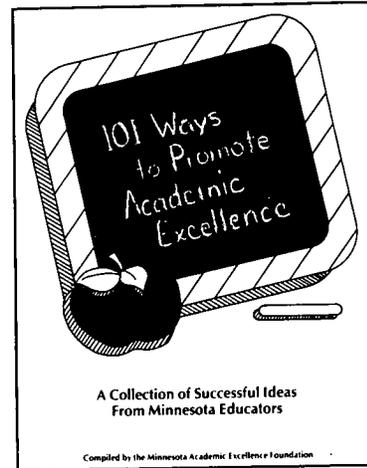
### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

### Education Directory, 1986-87

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$5.00.

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A Collection of Successful Ideas  
From Minnesota Educators

Compiled by the Minnesota Academic Excellence Foundation

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## Buying Or Selling?

In either case, The Medical Alley Directory can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, \$49.95.



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The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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## Minnesota Manufacturer's Directory 1986-87

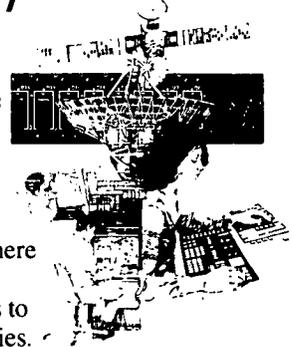


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$68.50.

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



REVISED: There are more than 7,000 changes to the 7,068 entries.



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## Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

*Voices of the Loon*, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

*The Loon: Voice of the Wilderness*, hardbound with color plates and illustrations, 143 pages. Code #9-14, \$6.00.

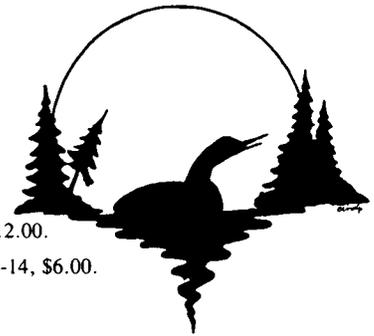
*Loon Calendar 1987*, beautiful photographs and scenes. Code #15-40, \$6.95.

*Loon Lapel Pin*. Code #15-30, \$2.49.

*Loon Windsock*, 56 inches long in full color. Code #15-29, \$19.95.

*Loon Nature Print*, full-color poster 16" x 22", Code #15-18, \$3.00.

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# Minnesota's future environment

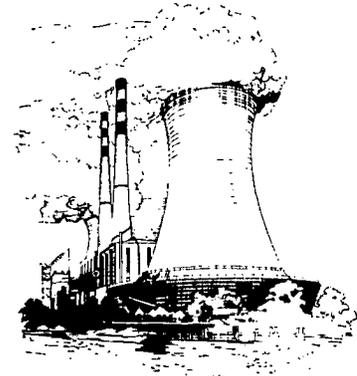
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

## 1986 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

## 1986 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$13.50.



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## 60% Discount on case lots of the 1986 Official Minnesota Hiway Map

Equip your sales force. Drive off with your Minnesota Highway maps for less than 20¢ each (regular retail price: 55¢ each). Discount applies to case lots only, with a minimum order of 1 case (200 maps) at \$39.95. Great for workshop folders, conventions and programs. Code #12-52.

**Hudson's Street Atlas of the Greater Twin City Metropolitan Area.** Includes 186 municipalities, 129 sectional street maps, and 22,000 street listings. Code #12-62, \$10.95.

**Minnesota Travel and Recreation Guide.** Where to go and what to see, canoeing and hiking trails, golf directory, campground directory, "Minne-Tours," state parks, hunting and fishing information and more. 296 pp., code #40-6, \$11.95.

**Room at the Inn: Guide to Historic Bed and Breakfasts, Hotels and Country Inns Close to the Twin Cities,** by Laura Zahn. 127 pp., Code #19-72, \$7.95.



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The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 20.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 15.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
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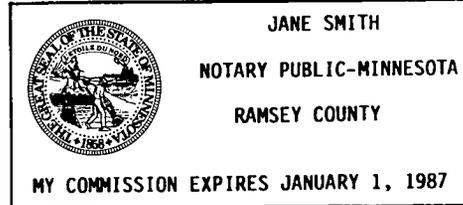
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